

THE

102

# Connexion:

BEING CHOICE

COLLECTIONS

OF SOME

PRINCIPAL MATTERS

IN

King *JAMES* his Reign:

Which may serve to supply the Vacancy  
betwixt Mr. *Townsend's*, and Mr. *Rush-*  
*worth's* Historical Collections.



L O N D O N,

Printed for *W. Crook*, at the *Green Dragon*  
without *Temple Bar*, 1681.

By 35  
4p

Em 704



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A N

ADVERTISEMENT

OF THE

Collector.

**W***Ho ever you are, or of what  
Quality you be, that this  
Connexion comes to the  
hands of, there is no need of an Au-  
thor's begging your Favour, for,  
(without an Apology) if the seri-  
ous and deliberate Results of a Wise  
King, by his Parliament, and by his  
Privy Council, with the Learn-  
ed Discourses of some Great men in*

A 2 *that*

An Advertisement, &c.

that time (such as the Duke of Buckingham, Sir Francis Bacon, &c. without Reflections, Annotations, Observations, &c. will not please, am sorry for it; yet I will give the reason of the Publication of this viz. There being an Historical Collection of the last Parliaments of Qu. Elizabeth, by Mr. Heywood Townsend, which Ends before the beginning of King James his Reign and Mr. John Rushworth begins his Historical Collections so late in the said King's Reign, that there is nigh twenty years space betwixt them, of which time, nothing of History is in Print in this Method: And although Wilson and Saunders have both wrote that Great King's Life, yet neither of them have reported Matter of Fact in this manner.

An Advertisement, &c.

ck  
er. You have these Collections as  
c. they came to my hands, from several  
ns careful Collectors of Choice Things:  
e, And truly, I was in hopes I should  
th have got more relating to that time,  
is but I found these so difficult, that I  
Col gave over the farther search, and  
s yielded to the desire of some that  
ood had seen them, to let them go as  
th they are.

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THE

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9 Jac.

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( 1 )

CHOICE  
COLLECTIONS

IN

King *JAMES*

His Reign.

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Anno Dom. 1603. *in* An.Reg. Jac. 1.

*A Proclamation by King James to repress  
all Pyracies and Depredations upon the  
Sea, wherein Rules and Articles are set  
for the prevention of Sea Rovers and  
Pyrates.*

**T**HE Kings Majesty being cer-  
tainly informed, through the  
manifold and daily complaints  
made to his Highness, as well  
by his own Subjects as others; of the  
continual Depredations and Pyracies  
committed on the Seas by certain lewd  
B and

and ill disposed persons; and finding, that the ordinary proceeding held of late times, for the suppressing of these enormities and offences, have wrought less Reformation than was expected: In his Princely care to preserve Justice, as one of the main Pillars of his Estate, and for the speedier suppression of all such Pyracies and depredacious Crimes, most hateful to his mind, and scandalous to his peaceable Government, and for the better continuance of Amity with all other Princes and States, hath with the advice of his Privy Council, for the speedy prevention or severe punishment hereafter of such foul crimes and pyracies, set down certain Articles hereunto annexed, which his Highness commanded all his Officers whom it may concern, of what degree soever, to see duly executed, wherein if any manner of person shall be found culpable or wilfully negligent, contemptuous or disobedient, his Majesty declareth hereby that punishment shall be inflicted upon him or them with such severity, as the Example thereof shall terrifie all others



others from committing any so odious crimes or contemptuous Offences.

First, That no Man of War be furnished or set out to Sea by any of his Majesties Subjects, under pain of death and confiscation of Lands and Goods, not only to the Captains and Mariners, but also to the Owners and Victuallers, if the Company of the said Ship shall commit any piracy, depredation or murther at the Sea, upon any of his Majesties Friends.

Item, That if any person whatsoever shall upon the Seas take any Ship that doth belong to any of his Majesties Friends and Allies, or to any of their Subjects; or shall take out of it by force any goods of what nature or quality so ever, he or they so offending shall suffer death, with Confiscation of Lands and Goods according to the Law in that Case provided.

Item, That all Admiral Causes (except the Causes now depending before the Commissioners for Causes of depredations) shall be summarily heard by the Judge of the High Court of the Admiralty, without admitting any unnecessary delay.

Item that no appeal from him be admitted to the Defendent or Defendents; in causes of Depredation, either against the offenders, or their Accessaries, before or after the offence committed, or those in whose possession the Goods spoiled are found, unless first by way of provision, the sum adjudged be paid to the Plaintiff upon Sureties to repay it; if the Sentence shall be reversed.

Item, that no prohibition in such cases of spoil and their accessories or dependencies be granted hereafter.

Item, That no Ship or Goods taken from any of his Majesties Friends, shall be delivered by any other Order than upon proof made in the said Court of the Admiralty, before the said Judge or his Deputy, to the end that a Record may be kept of all such restitutions made to strangers, to serve when occasion shall require.

Item, That every Vice Admiral is enjoyned by this Proclamation (whereof he shall take notice at his peril) to certifie into the said Court of the Admiralty every Quarter of the Year, what

*King James's Reign.* 5

man of War hath gone to the Sea, or returned home within that time, with any Goods taken at Sea, or the procedure thereof, upon pain to lose to his Majesty ( by way of fine) for every such default forty pounds of current money of *England*, to be answered into his Majesties Receipt of the Exchequer, by Certificate from the said Judge of the Admiralty, under the Great Seal of that Office, to be directed to the Lord Treasurer, and the Barons of the Exchequer.

Item, That all the Kings Subjects shall forbear from aiding or receiving of any Pyrate or Sea-Rover, or any person not being a known Merchant, by contracting, buying, selling or Exchanging with them, or by victualling of them, or any of their Company, whereby they or any of them shall be the more inabled to go or return to the Seas to commit any piracy or disorder, upon pain for so doing to be punished presently, as the principal Offenders and Pyrates ought to be.

Item, That the Vice-Admirals, Customers,

mers, and the other Officers of the Ports, shall not suffer any ship to go to Sea before such time as they respectively in their several Ports, have duly searched and visited the same, to the intent to stay such persons as apparently shall be furnished for the Wars and not for Merchandize or Fishing, and if there shall be any manner of suspicion that the said person, though he shall pretend to trade for merchandize or fishing, hath or may have an intent by his provisions or furniture, otherwise than to use the trade of merchandize or fishing, that in such case of suspicion, the Officers of the Ports shall stay, and in no wise suffer the same to pass to the Seas without good Bonds by sufficient Sureties first had, to use nothing but a lawful trade of merchandize or fishing, and if the said Officers shall suffer any person otherwise to repair to the Seas, then above is mentioned, they shall not only answer for any pyracies which any such person shall chance hereafter to do upon the Seas, but shall suffer imprisonment

Conment, until the Offenders may be apprehended, if they shall be living: And generally his Majesty declarcth and denounceth all such Pyrats and Rovers upon the Seas to be out of his Majesties protection, and lawfully to be by any person taken, punished and suppressed with extremity.

And whereas divers great and enormous spoyles and pyracies have been of late time committed within the Streights of *Gibraltar* by Capt. *Thomas Tomkins*, Gent, *Edmond Bonham*, *Walter Janerin*, Mariners, and divers others English Pyrates, and the Goods, monies, and merchandizes brought into *England* by them, have been scattered, sold, and disposed of most lewdly and prodigally, by the means of their Receivers, Comforters, and Abettors, to the exceeding prejudice of his Majesties good friends the Venetians, whom they have robbed, and to the great displeasure of God, and dishonour of this State: His Majesty doth expressly command all Lieutenants, Deputy-Lieutenants, Admirals, Vice Admirals, and  
their

their Deputies, and all other Officers of the Admiralty, and all Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables, and all others his Officers and Ministers whatsoever, to use all care and diligence in the inquiring, searching for, and apprehending all such Pyrates, their Receivers, Comforters, and Abettors; and if they shall by their travels and cares find any of them, to send them presently under safe custody to the Common-Goales of *Hampshire* or *Dorsetshire*, there to remain without Bail or mainprise, till the Lord High Admiral of *England*, or his Lieutenant the Judge of the High Court of the Admiralty shall dispose of them according to the Laws in that case provided.

*Given at his Majesties City of Winchester the 30th. day of September 1603. in the first year of his Highness Reign of England, France and Ireland, and of Scotland, the seven and thirtieth.*

Anno Dom. 1604. An. Reg. Jac. 2.

*A Proclamation by King James for the  
Revocation of Mariners from ferreign  
services, to prevent their turning of  
Pyrates, and to hinder Acts of Hosti-  
lity to be committed on the Coasts of  
England.*

**W**Hereas within this short time,  
since the Peace concluded be-  
tween us and the King of *Spain*, and  
the Arch-Dukes our good Brothers; It  
hath appeared unto us that many Ma-  
riners and Sea-faring men of this Realm,  
having gotten a custome and habit in  
the time of the War to make profit by  
spoil, do leave their ordinary and ho-  
nest Vocation, and trading in mer-  
chantly Voyages, whereby they might  
both have convenient maintenance, and  
be serviceable to their Country, and  
do betake themselves to the service of  
divers foreign States, under the title  
of men of War, to have thereby occa-  
sion to continue their unlawful and un-  
godly



godly course of living by spoil, using the service of those Princes but for colour and pretext, but in effect making themselves commonly no better than Pyrates to rob both our own Subjects their Country men, and the Subjects of other Princes our neighbours, going in their honest trade of merchandize: By which courses they impeach the quiet Traffique of Nations one with other, leave our Realm unfurnished of men of their sort, if we should have cause to use them, and inure themselves to an impious disposition of living by rapine and evil means, although by reason of the universal peace, wherein we are at this present with all Christian Princes and States, they may have a more plentiful imployment in an orderly and lawful navigation, than at any time of late years they could have had: We have thought it necessary in time to prevent the spreading of such a corruption amongst our subjects of that sort and calling, whereby our Nation will be so much flundered, and our Realm so greatly disadvantaged, wherefore we do will  
and



*King James's Reign.* 11

and command all Masters of ships, Pilots, Mariners, and all other sort of sea-faring men, who now are in the Martial service of any foreign State, that they do presently return home into their own Country, and leave all such foreign services, and betake themselves to their vocation, in the lawful course of merchandize, and other orderly Navigation, upon such pains and punishments as by the Laws of our Realm may be inflicted upon them, if after this Declaration of our pleasure, they shall not obey; And We do also upon the same pains straitly charge and command all our Subjects of that profession, that none of them shall from henceforth take Letters of Mark or Reprisal, nor serve under any that hath such Letters of Mark or Reprisal from any foreign Prince or State whatsoever, nor otherwise employ themselves in any warlike services of any foreign State upon the Sea, without special license obtained from our self, or from our High Admiral, as they will answer the contrary at their perils. And for as much as although we are in peace

peace with all Christian Princes and States, yet during the continuance of the War between the King of *Spain* and the Arch-Dukes on the one side and the United Provinces of the Low Countries on the other side, many chances may happen, as some already have hapned, of difficult interpretation to our Officers and Subjects, how to behave themselves in such Cases, unless they be explained unto them : We have thought it convenient to make an open Declaration how our said Officers and Subjects shall demean themselves toward the Subjects as well of the King of *Spain* and Arch-Dukes, as also of the States united in the Cases following.

First our pleasure is, that within our Ports, Havens, Roads, Creeks, or other places of our Dominions, or so near to any of our said Ports or Havens, as may be reasonably construed to be within that Title, limit or precinct, there shall be no force, violence, surprize, or offence, suffered to be done either from man of War to man of War, or man of War to Merchant, or Merchant to Merchant

nant of either party, but that all of that Nation soever, so long as they shall be within those our Ports and places of our Jurisdiction, or where our Officers may prohibit violence, shall be understood to be under our protection to be ordered by course of Justice, and be at peace each with other.

And whereas some of the men of War of each side have used of late, and it is like will use in time to come, though not to come within our Ports, because there they know we can restrain violence, yet to hover and hang about the skirts of our Ports, somewhat to Seaboard, but yet so near our Coasts and the entry of our Harbours, as in reason is to be construed to be within the extent of the same, and there to await the Merchant of the adverse part, and do seize and take them at their going out of our Ports, which is all one in a manner as if they took them within our Port, and will be no less hindrance to the trade of Merchants: Our pleasure therefore and commandment is, to all our Officers and Subjects by Sea and Land

Land, that they shall prohibit as much as in them lieth, all such hovering men of War of either side, so near the entry of any of our Havens or our Coasts, and that they shall receive and succour all Merchants, and others that shall fall within the danger of any such as shall await our Coasts in some places, to the hindrance of Trade and Traffique, outward and homeward from and to our Kingdomes; And for the better instructions of our Officers in the execution of these two Articles We have caused to be sent to the places of those limits, within which we are resolved, that these Orders shall be observed.

And where it hath happened, and is like to do often, that a ship of War of the one side, may come into some of our Ports, where there shall be a Merchant of the other side: In such Case for the benefit and preservation of the lawful Trade of Merchants; our pleasure is that all Merchants ships, if they will require it, shall be suffered to depart out of the said Port, two or three Tides before

before the man of War, as the intent  
that the Merchant may be free from the  
pursuit of his Adversaries, and if it so  
happen, that any Ship or Ship of War  
of the one side, do find any Ship or  
Ships of War of the other side in any  
our Ports or Ports adjacent like a  
our pleasure is, that during their abode  
there, all violence be forbore, so do  
we likewise command our said Officers  
and Subjects upon Sea and Land  
that the first of War which shall come in  
first, be suffered to depart: That of  
two before the other which come in  
last, and that for a long time they  
shall stay and detain any Ship of War  
that would offer to depart without our  
of any of our Ports immediately: And  
where we are informed that notwith-  
standing the severity of our Laws  
against Receivers or Pirates goods, ma-  
ny of our Officers of our Ports and o-  
ther Inhabitants within our Kingdoms  
them, do receive said goods, or take  
in from any such Pirates or Pir-  
ates, it hath and the getting of these  
Goods were well considered, we do

Land, that they shall prohibit as much as in them lieth, all such hovering men of War of either side, so near the entry of any of our Havens or our Coasts, and that they shall receive and succour all Merchants, and others that shall fall within the danger of any such as shall await our Coasts in some places, to the hindrance of Trade and Traffique, outward and homeward from and to our Kingdomes; And for the better instructions of our Officers in the execution of these two Articles We have caused to be sent to the places of those limits, within which we are resolved, that these Orders shall be observed.

And where it hath happened, and is like to do often, that a ship of War of the one side, may come into some of our Ports, where there shall be a Merchant of the other side: In such Case for the benefit and preservation of the lawful Trade of Merchants; our pleasure is that all Merchants ships, if they will require it, shall be suffered to depart out of the said Port, two or three Tides before

before the man of War, to the intent,  
that the Merchant may be free from the  
pursuit of his Adversary, and it it so  
happen, that any ship or ships of War  
of the one side, do find any ship or  
ships of War of the other side in any  
our Ports or Roads aforesaid: like as  
our pleasure is, that during there abode  
there, all violence be forborn, so do  
we likewise command our said Officers  
and Subjects both on Sea and Land,  
that the ship of War, which came in  
first, be suffered to depart a Tide or  
two before the other which came in  
last, and that for so long time they  
shall stay and detain any ship of War,  
that would offer to pursue another out  
of any of our Ports immediately: And  
where we are informed, that notwith-  
standing the severity of our Laws a-  
gainst Receivers of Pyrates goods, ma-  
ny of our Officers of our Ports and o-  
ther Inhabitants within and near unto  
them, do receive daily goods brought  
in from sea by such as are indeed Py-  
rates, if they and the getting of their  
Goods were well examined, we do  
here-

hereby admonish them all to avoid the receiving or buying of any goods from sea, coming not into the Realm by lawful course of merchandize, for that they shall find we are resolved so to prevent all occasion and encouragement of Pyrates to be used by any our Subjects as we will cause our Laws to be fully executed, according to their true meaning, both against the Pyrates, and all Receivers and Abettors of them, and their goods.

*Given at Thetford the first day of March, in the second year of our Reign of Great Britain, &c.*



Anno Dom 1605. in An. Reg. Jac. 3.

*An Act for the granting of three entire Subsidies and six Fifteenths and Tenths, granted by the Temporaltie to His Majesty, with the reasons why granted, and the great advantages his Majesty hath been to this Kingdom.*

**M**OST Gracious Sovereign, as at the first entrance of your Majesty into this Kingdom; there appeared universally in all your Loving Subjects, greater demonstrations of affection towards your Royal person, than ever hath been observed towards any former King, upon a joyful and foreruning expectation of your Majesties Religious; Just, and Gracious Government; so finding by the grounded experience of three years now compleat of the same your happy Government, that your Majesty hath turned our hopes into sensible and actual benefits, we cannot but still settle and increase in Love, Zeal and Duty towards;

C

wards you, which we think fit more and more to make manifest to your Majesty, not by externe shoves, but by real effects. *And therefore We your most Loving and Loyal Subjects being by your Royal Authority assembled in Parliament to consult of the great and important causes of this your Kingdom, have entered into due consideration both of your Majesties great Benefit, and of your present estate, in the support whereof the continuance of these benefits doth principally consist, where-in we do in the first place call to mind that by Gods great mercies and blessing, and your Majesties Religious care in execution of the good Laws for that purpose ordained, the true Religion of Almighty God freed and delivered from the servitude of blind and Forrain superstition, is continued unto us, and that in such sort as considering your Majesties constant, and Judicial profession thereof, and the Religious Education of your Children, we rest assured that under Gods favour, we shall comfortably enjoy the same to us* and

and our posterity for ever.

Next to Religion and peace with God, we will Remember that Universal peace of State both at home and abroad, which under your Christian and prudent Government we enjoy, whereof we have the less reason to doubt any interruption, when we behold the Greatness and reputation of your Majesties power, and the goodness and Excellency of your Royal disposition, whereof the latter is not like to give the cause or occasion, and the former is likely to abate the Courage and forces of any hostile attempts. And lastly we cannot but with unspeakable joy of heart consider of that blessing, which having respect to later times in this State, is rare and unwonted, which is the blessed fruit and Royal Issue of singular towardness and comfort, which God hath given your Majesty, with great hope of many the like; these being indeed as arrows in the hand of the, Mighty, able to dant your Enemies, and to assure your loving subjects, and to safe-guard your Royal person, and

to sheild and protect each other, and to be a pledge to us and our posterity, of future and perdurable felicity.

The benefits, and blessings (dread Sovereign) amongst many others, as we gladly acknowledge to your Majesties great honour and our great comfort: So nevertheless having upon mature advice concluded to present to your Majesty a gift, in proportion and speed of payment, exceeding all former presidents of Parliament; and the times of Peace considered, we do further think fit to add and express those reasons special and extraordinary, which have moved us hereunto, lest the same our doing may be drawn into President to the prejudice of the State of our Countrey and our posterity.

A first and principal reason is, that late and monstrous attempt of that cursed crew of desperate Papists, to have destroyed your Excellent Majesty, the Queen, and your Royal Progeny, together with the Reverend Prelates, Nobility and Commons of this Land  
assembled

nd assembled in Parliament, to the great  
y, confusion, if not subversion of this  
Kingdom; the barbarous malice in  
ad some unnatural subjects, we have  
as thought fit to check and encounter  
a- with the certain demonstration of the  
n- universal and undoubted Love of your  
om Loyal and Faithful Subjects, not only  
to for the present to breed in your Ma-  
on jesty a more confident assurance of  
ll our uttermost aides in proceeding with  
d a princely resolution to repress them,  
o and to furnish your Majesty against  
s hostile attempts both by Sea and Land,  
t but also for the future times to give  
p their Patrons and partakers to un-  
n derstand, that your Majesty can ne-  
e ver want in this Kingdom meanes of  
defence of your rights, revenge of your  
wrongs, and support of your estate.

A second reason is, that memorable  
benefice wherewith it hath pleased the  
Divine providence in great grace and  
favour to bless this Nation in your  
Majesties person by addition of ano-  
ther Kingdom, whereby both ancient  
hostilities are quite extinguished, and

all footing and approaches of any For-  
rainer in this Island are excluded, and  
your Majesties other Dominions the  
more secured, which happy event was  
nevertheless attended with sundry  
rare and necessary circumstances of  
charge now at your Majesties first en-  
trance and settling, such as the like  
hath not been in former times, nor is  
like to be in succeeding ages.

A third and most urgent reason is,  
the great and excessive charge, which the  
unnatural Wars of *Ireland* newly finish-  
ed before our late Renowned Queens de-  
cease, did necessarily impose upon your  
Majesty, by drawing with it a long  
train of after expences even in your  
Majesties time, till the peace thereof  
were thoroughly settled and assured,  
which Kingdom is now since your  
Majesties time become in the vastest  
Province thereof, capable of the plan-  
tation of Religion, Justice, Civility and  
Population, and may in longer time  
arise to be a most profitable and opu-  
lent member of your Imperial Crown.

A fourth reason ariseth from the great  
con-

contentment and joye which we have in the remembrance of your Majesties most gracious disposition to the good of your people, testified as well at your first entrance into this Kingdom, by your Princely care you took out of your own Royal mind to free them by your Proclamation from any burdens of Monopolies, and other unlawful things which then remained in use, as also of late your comfortable messages sent unto us, dureing this Session of Parliament, purporting the continuance of like gracious intention towards them, where just occasion of grief should appear, which joye of ours hath bred a desire in us, to express in more then ordinary manner our extraordinary and humble thanks unto your Majesty for the same, and to make it appear on our parts, that we will at no time omit any Testimonies of Love and Duty toward your Majesty, that may procure or deserve the perfecting and accomplishing of so Princely a work (so well begun) of Grace and favor towards us, it being far from our



dispositions to entertain any such unthankfulness into our hearts, as not chearfully to assist with our goods and substance, and all other duties of Subjects, such a Sovereign, by whom we find our selves so tenderly regarded.

Thus ( Gracious Sovereign ) out of those extraordinary Reasons and considerations, as also out of our great Love and affection towards your Majesties person, vertues, and felicities, we do with all humble and chearful affections present to your Majesty three subsidies and six Fifteenths and Tenths, and we do most humbly beseech your Majesty, that it may be enacted by Authority of this present Parliament in manner and form following.

Anno.



Anno. Dom. 1605. An. Reg. Jac. 3.

*The Declarations of the opinions of the  
Non-conformists as it was delivered  
to King James himself on their be-  
half in the third year of his Reign.*

1. **W**E hold and maintain the  
same Authority and Su-  
premacy in all causes and over all per-  
sons, Civil or Ecclesiastical, granted  
by Statute to Queen *Elizabeth*, and ex-  
pressed and declared in the Book of  
Advertisements and Injunctions, and  
in Mr. *Bilson* against the Jesuites, to be  
due in full and ample, manner (with-  
out any Limitation or Qualification)  
to the King and his Heirs and Suc-  
cessors for ever, neither is there (to  
our knowledge) any one of us but is  
and ever hath been most willing to  
subscribe and Swear unto the same, ac-  
cording to form of Statute: And de-  
sire that those that shall refuse the same  
may bear their own iniquitie. That,

2. We are so far from Judging the  
said

said Supremacy to be unlawful ; that we are perswaded that the King should sin highly against God , if he should not assume the same unto himself, and that the Churches within his Dominions should sin damnably , if they should deny to yield the same unto him, yea though the Statutes of the Kingdom should deny it unto him.

3. We hold it plain Anti-Christi-  
anism for any Church or Church-officers whatsoever , either to arrogate or assume unto themselves any part or parcel thereof, and utterly unlawful for the King to give away or alienate the same from his own Crown and Dignity to any Spiritual Potentates or Rulers whatsoever within or without his Dominions.

4. We hold, that though the Kings of this Realm were no members of the Church , but very Infidels , yea and persecutors of the truth, that yet those Churches that shall be gathered together within these Dominions , ought to acknowledge and yield the said Supremacy unto them, and that the same

is not tyed to their Faith and Christianity, but to their very Crown, from which no subject or subjects have power to separate or dis-joyn it.

5. We hold that neither King nor Civil State are bound in matter of Religion to be subject and obedient to any Ecclesiastical person or persons whatsoever, no further then they shall be able to convince their Consciences of the truth thereof out of the word of God, yea, we think they should sin against God, if they should ground their Religion, or any part or parcel thereof, upon the bare Testimony or Judgment of any man, or of all the men in the world.

6. We hold, that no Churches or Church-officers have power, for any crime whatsoever, to deprive the King of the least of his Royal prerogatives whatsoever, much less to deprive him of his Supremacy, wherein the height of his Royal Dignity consists.

7. We hold, that in all things concerning this life whatsoever, the Civil Jurisdiction of Kings and Civil States excelleth

excelleth and ought to have the pre-  
heminence over the Ecclesiastical, and  
that the Ecclesiastical neither hath nor  
ought to have any power in the least  
degree over the bodies, lives, goods or  
Liberty of any person whatsoever, much-  
less of the Kings and Rulers of the  
earth.

8. We hold, that Kings by vertue  
of their supremacy have power, yea,  
also that they stand bound by the Law  
of God to make Laws Ecclesiastical,  
such as shall tend to the good ordering  
of the Churches in their Dominions,  
and that the Churches ought not to  
be disobedient to any of their Laws,  
so far as in obedience unto them, they  
do not that which is contrary to the  
word of God.

9. We hold, that though the King  
should command any thing contrary  
to the Word, unto the Churches, that  
yet they ought not to resist him there-  
in, but only peaceably to forbear o-  
bedience, and sue unto him for grace  
and mercy, and where that cannot be  
obtained, meekly to submit them-  
selves

elves to the punishment.

10. We hold, that the King hath power by vertue of his Supremacie, to remove out of the Churches whatsoever he shall discern to be practiced therein, not agreeable to the word of God, and if he shall see any defect either in the worship of God, or Ecclesiastical discipline, he ought by his Royal Authority and power to procure and force the redress thereof, yea, though it be without the consent, and against the will of the Ecclesiastical Governours themselves.

11. We hold, that the King hath as much Authority over the body, goods and affairs of Ecclesiastical persons, as of any other of his Subjects whatsoever, and that by his Authority, he may force them, not only to all Civil Duties belonging unto them, but also unto all Ecclesiastical, afflicting as great punishment upon them for the neglect thereof, as upon any other of his subjects.

12. We hold, that he hath power to remove out of the Churches all scandalous

scandalous, Schismatical and Heretical Teachers, and by all due severity of Laws to repress them.

13. We hold, that all Ecclesiastical Laws made by the King (not repugnant to the word of God) do in some sort bind the Consciences of his subjects, and that no subject ought to refuse obedience to any such Law.

14. We hold, that the King onely hath power within his dominions, to convene Synods and General Assemblies of Ministers, and by his Authority Royal, to ratifie and give life and strength to their Canons and Constitutions, without whose Ratification, no man can force any Subject to yield any obedience unto the same.

15. We hold, that though the King may force the Churches to be subject and obedient unto him, and to be members of the common-wealth; yet that the Churches severally or joyntly have no power to force him or any subject against their will, to any service unto them or to any Religious duty whatsoever, no, nor so much as to be

be a member of any Church.

16. We hold, that the King ought not to be subject to the Ecclesiastical censures of any Churches, Church-officers or Synods whatsoever, but onely to that Church and those officers of his own Court and household, unto whom (in reverence of their Religion and of the Spiritual graces of God he sees shining in them) he shall of his own free will, subject and commit the Regiment of his Soul, in whom there can be no suspicion or fear of any partialitie, or unjust or rigorous dealing against him.

17. We hold, that if any Ecclesiastical Governours (call them by what name you will) shall abuse their Ecclesiastical authority in the execution of their censures, upon any man whatsoever: That the King and Civil States under him, have power to punish them severely for it, much more if they shall abuse it upon the Supreme Majesty himself.

18. If the King subjecting himself to Spiritual Guids and Governours, shall



shall afterwards refuse to be governed and guided by them according to the word of God, and living in notorious sin, without repentance, shall willfully contemn and despise all their holy and Religious censures, that these Governours are to refuse to administer the holy things of God unto him, and to leave him to himself, and to the secret Judgment of God, and wholly to resigne and give over the Spiritual Charge and tuition over him which by calling from God and the King they did undertake, and more then this, they may not do. And after all this we hold, that he still retaineth and ought to retaine entirely and solely, all that aforesaid Supreme power and authority over the Churches of his Dominion, in as ample a manner as if he were the most Christian Prince in the world.

19. We acknowledge King James to be our onely lawfull Sovereign, and unto him to be due all the aforesaid Supremacy, and we renounce and abjure all Opinions, Doctrines, Practices

what



whatsoever repugnant or Contrary to the same, as Anabaptistical and Antichristian: And wish they may be severely punished.

20. We hold, that the King ought not to give his Authority away, or to commit it to any Ecclesiastical person or persons whatsoever, but ought himself to be as it were Arch-bishop and General overseer of all the Churches within his Dominions, and ought to employ under him his Honourable Council, his Judges, Lieutenants, Justices, Constables, and such like, to oversee the Churches in the several divisions of their Civil Regiments, visiting them and punishing by their Civil power whatsoever they shall see abuses in any of them, especially in the rulers and Governours.

21. We hold, it utterly unlawful for any Christian Churches whatsoever, by any armed force or power, against the will of the Civil Magistracy and State under which they live, to erect and set up in publick; the true worship and service of God: Or to beate  
D down

down or suppress any superstition or Idolatry, that shall be countenanced and maintained by the same, only every man is to look to himself, that he communicate not with the evils of the times, enduring what it shall please the state to inflict, and seeking by, all honest and peaceable meanes all reformation of publick abuses, only at the hands of Civil publick persons, and all practices Contrary to these we condemn as seditious and sinful.

Anno Dom. 1605. An. Reg. Jac. 3.

*A Proclamation by King James with Rules to prevent Pyracy.*

**W**Hereas the Kings Majesty hath alwaies been ready to Imbrace and Cherish such a perfect amity and friendship between him and the King of *Spain*, and the Arch-Dukes his good Brethren, as might stand with his own honour, and the common good of his people for the better and more particular observation whereof, there hath been

been lately passed a Treaty, wherein his Majesties Royal will and pleasure is made so notorious to the world in all things, as whosoever doth, or shall cross the sincerity of his Majesties intention by any action of theirs, cannot avoid the censure of high and wilful contempt against his person and state; although his Majesty is not Ignorant, that these offences for the most part, are daily committed by such, as partly out of their own original corruption, and partly by habite of spill and rapine, are become so insensible or desperate of the peril they draw upon themselves, and the Imputation they cast upon the honour of their Sovereign (so precious to him) as his Majesty is driven for repair thereof, to make open profession of his sincerity in this kind, more often then otherwise he could; nevertheless, his Majesty having lately found by many circumstances, that most of these great faults do grow and multiply, by negligence of inferior officers, (especially such as are resident in the ports, and dwell in the

*Maritime* Counties, ) from whom his Majesty expecteth so continual care and vigilancy (not only out of fear of his Majesties displeasure, but even for Conscience sake,) as they should be rather industrious watches over those that runne such wicked courses, than (in any degree) receitors or abettors of the same, considering that those are a well accomptable to God, that hinder not the evil of others (being in their power, and incident to their peculiar places and duties) as those that are the personal Actors, or Contrivers of the same; His Majesty hath thought it necessary once again to publish to all persons of what place or condition soever within His Majesties Dominions these Rules and Ordinances following, as things whereunto he commandeth all persons (whatsoever) to yield their dutiful obedience, upon peril of his heavy Indignation and the grievous paines belonging to the same.

First, His Majesty commandeth that no Sea-man or Mariner whatsoever

shall

shall be suffered to put himself into any warlike service at Sea of any Forrein Prince or State, straightly charging all that are in any such service already, to leave the same presently, and without delay, and to record their appearance in their Native Country to some of His Majesties officers upon pain to be held and punished as, Pyrates.

Item, If any person offending, do at any time hereafter come into any Port, or place of His Majesties Dominions, upon what pretext soever, His Majesty expresly chargeth all his officers forthwith to apprehend the same, and to commit them to prison without Bayl or Mainpess, and the Certificate thereof to be presently returned into the Admiralty Court, to the end that they may be proceeded withal, according to the Laws of the Realm, and the contents of his Majesties former Proclamations,

Item, His Majesty Commandeth all his Subjects, (as they will avoid his heavy Indignation) to forbear to be aiding or Receiving of any Pirates, or

such persons as shall continue in any such warlike service, as aforesaid, or any person not being a known Merchant, by contracting, buying, selling, or by Victualling of them, or any of their Company, upon pain for so doing, to be punished presently, as the principal offenders and Pirates ought to be.

Item, That no shipping, or men of Warr, of what estate or condition soever, going forth with Commission of reprisal, or in any other warlike manner to serve at Seas, shall be permitted in any of his Majesties Ports, or in the Members thereof to victual or relieve themselves with any warlike provisions, thereby to enable themselves the better to any acts of hostility at Sea against any of His Majesties Friends: But only in their returne homewards, if they happen to come into any of His Majesties Ports, that then it shall be lawful for them to relieve themselves with Victual, or other necessities to serve them only for the space of twenty daies and no more, which

which is a proportion reasonable to use  
in Trade of Marchandize.

Item, That all Vice-admirals, Customers, or other officers of the Ports shall not suffer any Ship of His Majesties subjects to go to the Seas, before such time as they (respectively in their several Ports) have duely searched and visited the same, to the intent to stay such persons as apparently shall be furnished for the Warrs and not for Merchandize or Fishing, and if there shall be any manner of Suspition, that the said person (though he shall pretend to trade for Merchandize or fishing) hath or may have any other intent by his provisions or furniture, than to use the Trade of Merchandize or Fishing, that in such case of suspicion the officers of the Ports shall stay, and no wayes suffer the same to pass to the Seas, without good bands, with sufficient sureties first had, to use nothing but the Lawfull trade of Merchandize or Fishing, and if the said officers shall suffer any persons otherwise to repaire to the Seas, than above is mentioned, they shall not



only answer for any Pyracies, which any such person shall chance hereafter to commit upon the Seas, but shall suffer Imprisonment until the offenders may be apprehended, if they shall be living.

And further, as his Majesty declar-eth and denounceth generally, all such Pyrates and Rovers upon the Seas to be out of his protection, and therefore to be lawfully pursued and punished to the uttermost extremity, so because His Majesty presumeth, that all other States and persons in peace and friendship with him, will think it just and honourable to proceed towards him, with the same sincerity, which he observeth towards them, His Majesty doth also hereby certify to the world, that where it falleth out that divers of his Subjects are, or may be entertained to serve at Sea under Captaines and Commanders belonging to some Forreign Prince or State, (which are now or may be in termes of Hostility with any of His Majesties Friends) thereby Imagining, when they be free from any  
Inter-



Interruption, according to the liberty of Common amity and correspondency which is usually observed between Princes in such cases, only because the Commander or Captain with some few persons besides are strangers, and the rest only discovered to be his Majesties Subjects: For as much as His Majesty (having made his just and equal intentions thus apparent to all men by his publick Proclamations) would be loath to frustrate the expectation of any his friends whom it doth or may concerne; he doth hereby declare to all the world that if he shall hereafter find any such fraudulent course taken, in hope colourably to avoid the true construction of his so just and necessary ordinances, the breach whereof gives cause of further trouble and jealousies to arise between His Majesty and other Princes in the mutual exercise of their Subjects free Trade and entercourse: He will make absolute stay of any such Ships and persons, which shall be so brought into his Ports or Harbours, as persons and things wholly exempted from that  
pro-

protection and favour which he extendeth to maintain and afford to all others, which shall not in such kind go about to abuse his Majesties Integrity, whose desire is to receive no better measure in any thing, than he is willing to yield to others upon the like occasions.

*Given at our Castle of Windsor the eighth of July, 1605. in the third year of our Reign of Great Britain, France, and Ireland.*

Anno.

Anno Dom. 1609. An. Reg. Jac. 7.

*A Proclamation by King James touch-  
ing Fishing.*

**J**ames by the Grace of God, King of  
great Britain, France and Ireland  
 Defender of the Faith, &c. To all and  
singular persons, to whom it may ap-  
pertain, greeting. Although we do  
sufficiently know by our experience in  
the office of Regal Dignity (in which  
by the favour of Almighty God, we  
have been placed and exercised these  
many years) as also by the observati-  
on which we have made of other Christi-  
an Princes exemplary actions, how far  
the absoluteness of Sovereign power  
extendeth it self. And that in regard  
thereof we need not yield accompt to  
any person under God, for any acti-  
on of ours, which is lawfully ground-  
ed upon that Just prerogative: Yet  
such hath ever been and shall be our  
care and desire to give satisfaction to  
our Neighbour Princes, and Friends,  
in

in any action which may have the least Relation to their Subjects and estates, as we have thought good (by way of friendly Premonition) to declare unto them all, and to whom soever it may appertain, as followeth.

Whereas we have been contented since our coming to the Crown, to tolerate an indifferent and promiscuous kind of Liberty to all our friends whatsoever, to fish within our Streames, and upon any of our Coasts of Great *Britain, Ireland*, and other Adjacent Islands, so far forth as the permission or use thereof might not redound to the impeachment of our Prerogative Royal, nor to the hurt and damage of our loving Subjects, whose preservation and flourishing estate we hold our self principally bound to advance befor all worldly respects: So finding that our connivence therein, hath not only given occasion of over great encroachments upon our Regalities, or rather questioning of our right, but hath been a means of much daily wrongs to our own people that exercise the trade  
of

of Fishing as (either by the multitude of strangers, which do preoccupy those places, or by the Injuries which they receive most commonly at their hands) our Subjects are constrained to abandon their Fishing, or at the least are become so discouraged in the same, as they hold it better for them to betake themselves to some other course of living, whereby not only divers of our Coast Townes are much decayed, but thenumber of Mariners dayly diminished, which is a matter of great consequence to our estate, considering how much the strength thereof consisteth in the power of Shipping, and use of Navigation: we have thought it now both Just and necessary, in respect that we are now by Gods favovr lineally and Lawfully possessed, as well of the Island of great *Britain* as of *Ireland*, and the rest of the Islles Adjacent, to bethink our selves of good and Lawful meanes to prevent those inconveniencies, and many others depending upon the same. In the Consideration whereof as we are desirous that the world may take

take notice, that we have no Intention to deny our Neighbours and Allies, those fruits and benefits of peace and friendship, which may be justly expected at our hands in honour and reason, or are afforded by other Princes mutually in the point of Commerce, and exchange of those things which may not prove prejudicial to them: So because some such Convenient order may be taken in this matter, as may sufficiently provide for all these Important Considerations which do depend thereupon: We have resolved first to give notice to all the world, that our exprefs pleasure is, that from the beginning of the Moneth of *August* next coming, no person of what Nation or quality soever, being not our natural born Subjects, be permitted to Fish upon any of our Coasts and Seas of great *Britain*, *Ireland*, and the rest of the Isles Adjacent, where most usually heretofore any Fishing hath been, untill they have orderly demanded and obtained Licenses from us, or such our Commissioners, as we have Authorized

*King James's Reign.* 47

ized in that behalf, viz. At London for our Realmes of *England* and *Ireland*, and at *Edenborough* for our Realm of *Scotland*: which Licenses, our intention is, shall be Yearly Demanded, for so many Vessels and Ships, and the Tonnage thereof, as shall intend to Fish for that whole year, or any part thereof, upon any of our Coasts and Seas as aforesaid, upon pain of such Chastisement as shall be fit to be inflicted upon such wilful offenders.

*Given at our Palace of Westminster, the sixth day of May, in the seventh year of our Raigh of Great Britain, France and Ireland.*

Anno.

Anno Dom. 1610. An. Jac. Reg. 8.

*The Case of Sir John Kennedy  
and his Lady.*

**U**Pon the Treaty with Gray Lord Chandoyes it was thought meet that 16500. *l.* should be allotted to the Lady for her right, to the value of 14500. *l.* in Land, and 2000. *l.* in money: But in regard the whole estate moved from the Lady, and that Sir John Kennedy, was able to give her no advancement or dower out of his Estate, It was thought meet, that the Lady should have, 8000. *l.* at her sole dispose, and the residue to be at their joynt dispose.

After upon motion on the Ladies behalf, out of a fear, that the Estate might be wasted by Sir John, and thereby she deprived of maintenance (she then



then haveing no knowledge of the Marriage in Scotland, or hope of a Divorce, or nullity of the said Marriage ) it was appointed, that the same should be conveyed over to certain Feoffees in trust, to her use, that she by her Indenture under her hand and Seal, solely and without Sir *John*, might dispose thereof.

The which Conveyance was directed by three liveing of this Honourable board, viz. the Lord *Treasurer*, the Lord *Privy-Seal*, and the Lord *Stanhope*, and by the Lord *Popham*, Lord *Tanfeild*, Sir *Thomas Hesketh*, Serjeant *Dodridge*, and Mr. *Stephens*.

The land allotted the Lady being sold for 7800 l. with 6500 l. thereof *Barne-Elmes* was purchased, but Sir *John* being trusted by the Lady to go to Mr. *Stephens* to draw the Conveyance. went to other Council, and in the Clause where it should be freely at the Lady's disposal, solely without Sir *John*; he caused to be inserted these words, that the Lady should have power to convey the same to such intents and

purposes, as by the said *Elizabeth* solely, and without the said Sir *John Kennedy* by writing under her hand and Seal enrolled, should be limited and appointed; wherein besides the contradictoriness of the sense he caused in that Deed delivered the Lady (the more to blind her Eyes) Enrolled to be rased and made Indented Deed. 31. December 3d. Jac. 8.

And after the rasure was found out then by his Deed Dat. 2. July 4. Jac. he the said Sir *John* did limit power to the Lady by her Deed, Inrolled or not Inrolled to limit Uses.

The Lady hath been a suiter two Years (if Sir *John* for saving his own credit will not confess matter to make a Divorce) then that in course of Justice she may be admitted to her proof, which for that it concerneth matter of state (as is suggested) she is denied.

I. And therefore she hopeth, it is out the same Equity to stay his proceedings touching her Estate, against her or her Feoffees in Course of Justice, considering it is not by her laches that the

Mar

Marriage is not disproved, until both the said causes having a dependency one upon another, may be handled at this Board.

2. The Course of Conveyance by Feoffees, was by Honourable Personages, grave Judges and learned Lawyers, directed when the Lady was supposed the true Wife of Sir *John*, and they held in Law and Equity sufficient, and now *à fortiorè* it should be more sufficient, she being none of his Wife; if she may be admitted to proofs.

3. Sir *John* hath already advanced himself by the sale of the Ladys Estate, over and above the Purchase of *Tenbridge* which cost 8500 *l.* wherein he hath a Joynt Estate of Inheritance, and all her Debts that he hath Paid 7700 *l.*

4. If the Course propounded at this Honourable Board shall not hold, then will the Lady never assent to sell, and so shall the Debts of the Lady before Marriage now resting unpaid being 2207 *l.* and Sir *John's* own Debts rest unsatisfied to the oppression and clamour

mour of many poor men, and the King still troubled with renewing his protections.

5. If Sir *John* should proceed in Course of Justice, and that the Conveyance made to Feoffees should not be held sufficient, and strong enough to convey the same to the Lady; yet Sir *John* can have but the profits thereof, being but 500 *l.* and not that clear, which is not able to pay half the Use of the Money.

6. Besides before any Suite began, the said Manner of *Barne-Elms* was for Valuable Consideration of money lent, mortgaged, and now resteth forfeited, for non-payment of 2000 *l.*

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*Whether an English Jurisdiction may disannul a Marriage made in Scotland.*

**A.** B. a Scotch man in a Parish Church in Scotland, publickly in the presence of the Congregation, Solemnizeth Marriage with a Scotch-woman.

About six or seven years after the said Marriage, the Scotch woman pretending that at the time of her Marriage, she was but ten years old, or at the most under twelve, before certain Competent Judges in Scotland procureth a sentence of divorce to be given against the said A. B. whereby the Marriage between A. B. and her was pronounced to be void and of no force,

and that she was at liberty to marry again to any other, upon this ground that she was under twelve years of Age at the time of her Marriage, and that she never consented thereto after she was twelve years old, nor had Carnal knowledge from the said A. B. from which sentence no Appeal or provocation was made.

Afterwards the said A. B. coming into England did solemnize Marriage with an English Woman, the Scottish Wife being then living; after which Marriage, the said A. B. and the English woman for certain years Cohabited together here in England as Man and Wife, the said English woman being Ignorant of the Premises done in Scotland, during the time of her cohabitation with the said A. B. the Scottish woman dyeth, after whose Death, the English woman being certified, that A. B. had another Wife living when he married her, so as he could not be her lawful Husband at the time of her Marriage, the said A. B. and she dwelling both in England: the refrain-  
eth

eth from the company of A. B. and complaineth to the Eccleasfical Judges in England, haveing Jurisdiction in the place where the said A. B. and she dwelleth, and craving Justice, offereth to prove that the said A. B. and the said Scottish woman were lawful man and wife, and after the said Marriage had Carnal knowledge of each other, and that they cohabited together as man and wife five or six years, after she wastwelve years of Age, admitting she had been under that age at the time of her Marriage, and desireth to be admitted Judicially according to the ordinary course of Law, to alleadge and prove her aforesaid assertions before the said Judges, and upon proof thereof, to have sentence for the nullity of her own Marriage according to Justice.

It is objected on the behalf of A. B. that she ought not to be admitted thereto, for these causes (*viz*) because the Marriage with the Scottish woman was solemnized in Scotland, the sentence of Divorce was given in Scotland by the Judges there, where the Judges

of England have no Jurisdiction, nor Superiority over them: that there was no appeal or provocation from that sentence, that it was given by the Judges of an high Court in Scotland, from whence no appeal lyeth; and that if the English womans Marriage should be proved void here in England, the Justice of the Realm of Scotland, may thereby seem to be taxed.

The Question is, whether the Ecclesiastical Judges or Judge haveing Jurisdiction in the place in England where the said A. B. and the English woman dwell, be competent Judges, and may and ought at the Petition of the English woman, to hear and determine this Cause of nullity of the Marriage between her self and A. B. notwithstanding the former objections.

We are of opinion, without any doubt, that the Ecclesiastical Judge haveing Jurisdiction in the place in England, where the said A. B. and the said English woman dwell, may, and in Justice is bound, at the Complaint of the said English woman, to hear and de-  
dec.



determine the said Cause, concerning the validity of her said Marriage, and to pronounce the Marriage between her and A. B. to be void; if she prove before him the matters by her alledged, notwithstanding the aforesaid objections.

Neither can the Justice of Scotland be thought to be Impeached thereby, though upon sufficient proof made before the Judges here in England, which was not made before the Judges in Scotland, he giveth a Sentence which may seem repugnant to the Sentence given in Scotland.

Anno.

Anno Dom. 1610. An.  
Jac. Reg. 8.

Certain Points *in* Law and Reason, whereby it may plainly appear, that the *Question*, between the Lady Kenneda and Sir John Kenneda concerning the validity of their Marriage, may and ought by ordinary Court of Law be heard and determined before the Ecclesiastical Judges in England, who have Jurisdiction in the places, where they both dwell: whereupon the Civilians have grounded their opinions, given in this Case to that effect,

**F**irst by Law and Reason there can fall out no Question or controversie between any Persons inhabiting in any Civil Common-wealth or State, but the same must be decid-

ed by some Competent Judge or Judges, who ought to have Authority to hear and determine the same, or else there must needs ensue confusion and horror.

Secondly, when any controversies happen between any Persons proceeding of any Contract whatsoever, and that require a Determination, or ending by *Judgment* wheresoever the Contract was made; Those Judges are by *Law* the Competent Judges to hear and determine that controversie, who have *Jurisdiction and Power* in the place where both the parties, or party defendent, dwelleth, to hear and determine Causes of that Nature.

*Thirdly,*

*Thirdly*, If there fall out any controverſie between any two Perſons, the *Defendent* cannot be compelled to appear to answer the *Plaintiff*, but before the *Judge* of the place, where the *Defendent* dwelleth, and eſpecially if the *Plaintiff* himſelf dwelleth under the ſame Jurisdiction.

*Fourthly*, In all cauſes where there may enſue Peril of Soul, and continuance of ſin, the *Judge* of the place ought of his *Office* to enquire thereof, and redreſs the ſame though no man complain thereof.

Whereupon it followeth, that the *Eccleſiaſtical Judges* here in *England*, who have Authority to hear Cauſes of Matrimony, are the competent *Judges*, and have power to hear and determine this matter of the lawfullneſs or unlawfullneſs of the *Ladies Marriage*, and the rather for that the *Ladies Marriage* ( which is the Principal matter in Queſtion ) was made and ſolemnized here in *England*.

If it be objected, That becauſe that  
Point

point whereupon the validity or invalidity of the *Lady Kenneda's Marriage* dependeth, viz the Marriage between Sir *John and Isabel Kenneda* is already adjudged by a *definitive Sentence* long since, from which there hath been no *Appeal or provocation*; and therefore it must barr the *Lady*. We answer although in causes of other Nature, where no danger of *sin* might ensue, though the sentence were against the Truth; if a sentence be once *lawfully* given, and not *Appealed* from in due time, the matter cannot be called in question again: Yet where a sentence is given to dissolve or annul a *lawful Matrimony*, that sentence may at any time, though never so long after, be called in question and reversed, whensoever it may be made to appear that the truth is contrary to that sentence, and that may be done even by the party himself who obtained that sentence; and therefore not only Sir *John Kenneda*, but *Isabel* herself might have reversed that sentence, proving the same was given by *error*: Much less shall the *Lady* who was not  
Party

Party to that suite, be thereby debarred from proving the Nullity of her Marriage, being a distinct cause from that. And the reason of the difference between a sentence against a *Matrimony* and a sentence in another Cause, is, because in other causes, where no fear is of *sin*, or *peril* of *soul* to ensue, the Parties may by their agreement, make what end of the business they list by Composition or other ways: and therefore if they do not *appeal* from the sentence given against them, they are thought by the consent to confirm the same; but because a Marriage by *Gods Law* cannot be dissolved by the agreement or consent of the Parties, no sentence therein given against a Marriage contrary to the truth, by error, can by the Parties agreement be confirmed, lest if it should be otherwise, thereby they might by colour of the *erroneous sentence* marry other persons and live in *Adultery*. Nay more, if the Parties themselves thus erroneously divorced contrary to the truth would hold themselves contented with the sentence. If either  
of

of them *marry* any other person, or they both live *incontinently* with other persons, the *Judge* of that place, where they inhabit, may and ought of his own Office to inforce the Parties so by error divorced to live together again as *man and wife*, and separate them from their second *Sponſes*.

If it be objected that the sentence was given in another Country, where the Judges of *England* have no jurisdiction, and in an high Court from whence, there lyeth no Appeal, and that the Judges of *England* have no superiority to call their sentences in question, and that herefore the Lady cannot call that divorce in question here. We answer, that the Principal cause in this case of the Ladies, is not to reverse or call in question the sentence given in *Scotland*, but the principal cause here is, whether her Marriage made in *England* with Sir *John*, be of validity or no; for that (as we say) Sir *John* had another Wife living (viz. *Isabel Kenneda*) at the time of her Marriage, without any mention to be made by the Lady of any sentence  
of

of divorce given in *Scotland*; this Question of Divorce is brought in but incidently by Sir *John* in this Cause, and also vainly and impertinently, if it can be proved that the truth is contrary to that sentence. For that sentence is in Law meerly void, and cannot barr the Lady for the reasons before alledged, and for that *Ecclesia* was *decepta* in giving of that sentence: now when a sentence which is void in Law (and especially against a Marriage) is called in question but incidently before any *Judge* whatsoever though, an inferior, in a cause that doth principally belong to his jurisdiction: That *Judge* may take knowledge of, and incidently examine the validity of that sentence, whether it were good or no, by whom and wheresoever that sentence was given; tho he were never so superior a *Judge*; not to the end to reverse, or expressly pronounce that sentence to be void or not void, but as he findeth it by examination of the Cause to be good or void, so to give sentence accordingly, and determine the cause Principally depending  
be.



before him, without ever mentioning the erroneous sentence in his sentence.

Neither can the sentence given here for the Nullity of the Ladies Marriage upon other matter, than was pleaded and proved before the Judges in *Scotland*, although the same sentence had been principally called in question, and directly pronounced to be void, any wayes impeal the Justice of *Scotland*, for sith Judges in all Courts and causes, must Judge according to that which is alleadged and proved before them; what impeachment is it to the Justice of any Judge (although his sentence be revoked, and a contrary sentence given by another Judge) when the parties between whom the suite is, either cannot, or through negligence or collusion will not alleadge or make such proof before him the first Judge as they might, but afterwards before the second Judge, if good and sufficient proof is made, a matter which falleth out every day here in *England*, in every Civil and

Ecclesiastical Court upon Appeal made from one Court to another, and the like falleth out in all other Countries, and yet the former Judge whose sentence is reversed, thinketh not himself any whit impeached of injustice thereby.

That the absurdities which would ensue may by example more plainly appear, if the Law should not be as we say. Put this Case, a Widdower in the Confines of *England* towards *Scotland*, marrieth a Wife in a Parish Church publickly, in the presence of a hundred Witnesses, and afterwards they live together by the space of a year, and have a Child; at the years end upon some discontentment, they both being desirous to be ridd, the one of the other; the woman in *England* sueth her Husband to be divorced from him, pretending that at such time as he married her, he had another wife living, and produceth witnesses which prove that he had married another wife before he married her, and peradventure make  
some

some probable shew, that that wife was living, when he married his second wife; who in truth was dead before, as the man could have plainly proved by twenty witnesses, if he had listed: Notwithstanding the husband being willing to be ridd of his wife, either would not plead, that his former wife was dead, or elle would not make any proof thereof, Whereupon the woman obtaineth sentence against the man; whereby the Marriage between them two, by this Collusion and errour is pronounced void, from which sentence there was no Appeal or provocation: Now within a Month after this Divorce, this man goeth into the Confinnes of *Scotland*, not Ten Miles from the place, where he and his divorced wife formerly dwelt, and there he marrieth another woman, being ignorant of the former wife and Collusory Divorce, and there Cohabiteth and dwelleth with her. This woman shortly after understanding of the premises, and that she could not be

his lawful wife, but lived in Adultery with him; desireth before the Judge in *Scotland*, under whose Jurisdiction they both dwell, to be divorced from him, and to be delivered from her Adulterous living with him, and offereth to prove all the Premises most manifestly; were it not now a most absurd and abominable thing, that this woman, should have no remedy any where, but be inforced to live still in Adultery with this man, because the sentence of divorce was given by a Judge in *England*, pronouncing the marriage between the man and his second wife to be void, whereas it can be most manifestly and apparently proved, that the first wife was dead before his second Marriage, and so the sentence was given against the apparent Truth? And what impeachment of Justice can this be to the Judge in *England*, before whom it was never proved, that the mans first wife was dead, to have his sentence reversed upon new proofs made before the Judge in *Scotland*.  
Now

Now between the Ladies Case, and this Case there is no difference in truth of matter and point of Law, only by reason of the multitude of the witnesses, the nearness of the time and place, when and where, these things in this Case were done; the truth whereof may more easily and readily be proved than in the Ladies Cause it can, though with more difficulty, the cases are all one.

If any man shall yet doubt, whether this cause can be heard and determined by the Ecclesiastical Courts in *England*, it is desired, that Sir *John*'s Councel, considering the Marriage was made here in *England*, and the Lady and Sir *John* do both dwell here, and by Law Sir *John* is not compellable to appear in any other place than in *England*, for this matter, I would tell before what Judge this matter should be heard and determined; for it is to be presumed, that when two persons live in Adultery together, and so in continual sin,  
F 3 and

and the one of them seeketh redress, and to be freed from that sinful and Adulterous Life; no man will say, that he or she shall be compelled to live notoriously in Adultery still, and have no Judge at all to separate them and remedy this enormity.

If further doubts be made how, where, or in what manner proof shall be made in this Cause: It is said that this Question doth not concern the Question, what Court, or or before what Judges the Cause shall be heard and determined; But to this, it, is answered; That the Proofs shall be made in such manner, as they be ordinarily in all other Cases, that is, by the answers of the contrary part upon Oath, by such witnesses as they can procure voluntarily to come before the Judges here, from whence, or out of what Country soever they can procure them: If they will not come voluntarily, then if they be within the Jurisdiction of the Judge, and the Party

ty

ty producent think so good, he shall have process to compel them to come before the Judge; if they dwell so far off, as that it will be too chargeable to bring them before the Judge, then a Commission shall be granted to some Commissioners, to examine them near the places where they dwell, and this if they dwell within the Judges Jurisdiction, but if the witness dwell out of the Judges Jurisdiction, in any other place, Realm, or Country, then the Judge of the Cause may direct requisitory to the Judges of the places, or Countries, where the witness dwells, to intreat them to examine the witness remaining there by their Authority, and to send them depositions to the Judge of the Cause. Also by the Records of other Courts, or any other Instruments or Writings which may any way further the Cause; these being the ordinary and usual courses, used for makeing of Proof in every Cause, every day, and will not be denied by any acquainted

with the proceedings in any Ecclesiastical or Civil Courts.

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Anno Dom. 1611. An. Reg. Jac. 9.

*The Commission and Warrant, for the  
Condemnation, and burning of Bar-  
tholomew Legatt, who was burnt  
in Smith-fild in London, 1611.  
for Heretical Opinions.*

**J**AMES, by the Grace of God, King  
of England, Scotland, France and  
Ireland, defender &c. To our right  
Trusty and well beloved Councillor  
Thomas Lord Blsmere our Chancellor  
of England, Greeting: Where the  
Reverend Father in God John Bishop  
of London, haveing judicially pro-  
ceeded in a Cause of Heresy against  
Bartholomew Legatt of the City of Lon-  
don, in the Diocess of the Bishop of  
London, concerning divers wicked Er-  
ours, Heresies and Blasphemous Opini-  
ons, holden, affirmed and published  
by



by the said *Bartholomew Legatt*, and chiefly in these thirteen Blasphemous Positions following, *viz.* That the Creed called the *Nicene Creed* and *Athanasius Creed*, contain not. a profession of the true Christian Faith, or that he will not profess his Faith according to the same Creeds, that Christ is not God of God begotten, not made, but begotten and made; that there are no Persons in the God-head; That Christ was not God from Everlasting, but began to be God when he took flesh of the *Virgin Mary*, that the World was not made by Christ, that the Apostles teach Christ to be man only, that there is no Generation in God, but of Creatures, that this Assertion, God to be made Man, is contrary to the Rule of Faith, and monstrous Blasphemy; That Christ was not before the fullness of time Except by Promise, that Christ was not God otherwise than an anoynted God, that Christ was not in the form of God Equal with God, that is in substance of God, but

but in Righteousness and giving Salvation, that Christ by his God-head wrought no Miracle, that Christ is not to be prayed unto; wherein he the said *Bartholomew Legatt*, hath before the said Reverend Father, maintained his said most dangerous and Blasphemous Opinions, as appeareth by many his Confessions publickly made and acknowledged, for which his Damnable and Heretical Opinions, he is by Definitive sentence, by the said Reverend Father *John Bishop of London*, with the Advice and Consent of other Reverend Bishops, Learned Divines, and others Learned in the Laws assisting in Judgment, Justly adjudged, pronounced and declared to be an obstinate and incorrigible Heretick, and is left by them under the sentence of the great Excommunication: and therefore as a Corrupt Member to be Cutt off from the Church of Christ, and society of the Faithful, and is to be by our secular Power and Authority as an Heretick

ick punished, as by the *Significavit* of the said Reverend Father in God, the said Bishop of London, bearing date at London the third day of *March*, in the year of our Lord, 1611. In the ninth year of our Reign, and remaining in our Court of Chancery more at large appeareth. And although the said *Bartholomew Legatt* hath since the said sentence pronouced against him, been often very Charitably moved, and exhorted, as well by the said Bishop, as by many grave and Learned Divines, to disswade, revoke and remove him from the said Blasphemous and Heretical Opinions; yet he arrogantly and willfully persisteth and continueth in the same: We therefore according to our Regal Function and Office, minding the Execution of Justice in this behalf, and to give Example to others, lest they should attempt the like hereafter: Have determined by the Assent of our Council to will and require, and do hereby Authorize and Require

76 *Choice Collections in*  
quire you our said Chancellor, Im-  
mediatly upon the receipt hereof,  
to award and make out under our  
great Seal of *England*, our Writ of Exe-  
cution according to the Tenor in these  
Presents ensuing; and these Presents  
shall be your sufficient Warrant and  
Discharge for the same.

## The WARRANT.

**T**H E King to the Sheriffs  
of London greeting: Where-  
as the Reverend Father in Christ  
John Bishop of London, hath  
signified unto us, that when he  
in a certain business of Heretical  
pravity against one Bartholomew  
Legatt our Subject of the City  
of London, of the said Bishop  
of Londons Diocese and Juris-  
diction, rightly and lawfully pro-  
ceeding by Acts enacted, drawn,  
pro-

proposed, and by the Confessions  
of the said Bartholomew Legatt,  
before the said Bishop Judicially  
made and acknowledged, hath  
found in the said Bartholomew  
Legatt, very many wicked Er-  
ours, false opinions, Heresies,  
and cursed Blasphemies, and Im-  
pious Doctrines, exprestly contrary  
and repugnant to the Catholick  
Faith and Religion, and the Holy  
word of God, knowingly and ma-  
liciously, and with a pertinacious  
and obdurate plainly Incorrigible  
mind, to believe, hold, affirme  
and publish; the same Reverend  
Father the Bishop of London  
with the advice and consent, as  
well of the Reverend Bishops  
and other Divines, as also of men  
Learned in the Law, in Judg-  
ment

ment sitting and assisting, the same Bartholomew Legatt by his Definitive Sentence hath pronounced, decreed, and declared to be an Obdurate, Contumacious and incorrigible Heretick, and upon that occasion as a stubborn Heretick, and rotten contagious Member to be cut off from the Church of Christ, and the Communion of the Faithful, whereas the Holy Mother Church hath not further to do and prosecute in this part, the same Reveren'd Father hath left the aforesaid Bartholomew Legatt, as a Blasphemous Heretick to our secular power to be punished with Condign punishment, as by the Letters Patents of the said Reverend Father in Christ the Bishop of London in this behalf,

half, above made hath certified unto us in our Chancery ; We therefore as a Zealot of Justice, and a defendor of the Catholick Faith, and willing to maintaine and defend the holy Church, and Rights, and liberties of the same, and the Catholick Faith, and such Heresies and Errours every where what in us lyeth, to Root out and extirpate, and to punish with Condygn punishment such Hereticks so Con- victed, and deeming that such an Heretick in form aforesaid, Con- victed and Condemned according to the Laws and Customs of this our Kingdom of England in this part occasioned, ought to be Burn- ed with Fire, We do Command you that the said Bartholomew Legatt , being in your Custody, you

*you do Commit publickly to the Fire, before the people, in a publick and open place in West-Smithfield, for the Cause aforesaid, and that you cause the said Bartholomew Legatt to be really burned in the same Fire, in detestation of the said Crime, for the manifest Example of other Christians, lest they slide into the same fault, and this that in no wise you omit, under the peril that shall follow thereon, witness, &c.*

Anno.



Anno Dom. 1611. An. Reg. Jac. 9.

*The Commission and Warrant for the  
Condemnation and Execution of Ed-  
ward Wightman, at Lichfield,  
1611. with an Account of his Here-  
tical Opinion.*

James, by the Grace of God, King  
of England, Scotland, France and  
Ireland, Defender of the Faith, &c.  
To our Right Trusty, and Right  
Well-beloved Councillour, Thomas,  
Lord Ellesmere, our Chancellour of  
England, Greeting. Whereas the Re-  
verend Father in God, Richard, Bi-  
shop of Coventry and Lichfield, Having  
judiciously proceeded in the Examina-  
tion, Hearing, and Determining of a  
Cause of Heresie against Edward Wight-  
man, of the Parish of Burton upon  
Trent, in the Diocese of Coventry and  
Lichfield; Concerning the wicked He-  
resies of the Ebionites, Corinthians, Va-  
ntinians, Arrians, Macedonians, of  
Simon Magus, of Manes, Manichees,  
G of

of *Photinus*, and *Anabaptists*, and other Heretical, execrable, and unheard of Opinions, by the Instinct of Satan, by him excogitated and holden *viz.*

1. That there is not the Trinity of Persons, the Father, the Son, and the Holy Ghost, in the Unity of the Deity. 2. That Jesus Christ is not the true Natural Son of God, perfect God, and of the same Substance, Eternity and Majesty with the Father, in respect of his Godhead. 3. That Jesus Christ is only Man, and a mere Creature, and not both God and Man in one Person. 4. That Christ our Saviour took not Humane Flesh of the Substance of the Virgin *Mary* his Mother; and that that Promise, the Seed of the Woman shall break the Serpents Head, was not fulfilled in Christ. 5. That the Person of the Holy Ghost is not God Coequal, Coeternal and Coessential with the Father and the Son. 6. That the three Creeds, *viz.* the Apostles Creed, the *Nicene* Creed, the *Athanasian* Creed, are the Heresies of the

the *Nicolaitaines*. 7. That he the  
said *Edward Wightman* is that Pro-  
phet spoken of in the Eighteenth of  
*Deuteronomy* in these words, *I will*  
*raise them up a Prophet* &c. and that  
that place of *Isaiah*, *I alone have troden*  
*the Wine-press*; and that that place,  
whose Fan is in his hand, are proper  
and personal to him the said *Edward*  
*Wightman*. 8. And that he the said  
*Wightman* is that Person of the Holy  
Ghost spoken of in the Scriptures,  
and the Comforter spoken of in the  
Sixteenth of *St. John's Gospel*, 9. And  
that those words of our Saviour Christ  
of the Sin of Blasphemy against the  
Holy Ghost, are meant of his Person.  
10. And that that place, the Fourth  
*Malachy*, of *Elias* to come, is  
likewise meant of his Person. 11. That  
the Soul doth sleep in the Sleep of  
the First Death, as well as the Body,  
and is mortal as touching the Sleep  
of the first Death as the Body is: And  
that the Soul of our Saviour Jesus  
Christ did sleep in that Sleep of Death  
as well as his Body. 12. That the

Souls of the Elect Saints Departed, are not Members possessed of the Triumphant Church in Heaven. 13. That the Baptizing of Infants is an abominable Custom. 14. That there ought not in the Church the use of the Lords Supper to be celebrated in the Elements of Bread and Wine; and the use of Baptism to be celebrated in the Element of Water, as they are now practised in the Church of *England*: but that the use of Baptism is to be administred in Water, only to Converts of sufficient Age and Understanding, converted from Infidelity to the Faith. 15. That God hath ordained and sent him the said *Edward Wightman*, to perform his part in the Work of the Salvation of the World to deliver it by his Teaching or Admonition, from the Heresie of the *Niccolaitanes*, as Christ was ordained and sent to save the World, and by his Death to deliver it from Sin, and to reconcile it to God. 16. And that Christianity is not wholly professed and preached in the Church of *England*.

land, but only in part, wherein he  
the said *Edward Wightman*, hath be-  
fore the said Reverend Father, as al-  
so before our Commissioners for Cau-  
ses Ecclesiastical, within our Realm  
of *England*, maintained his said most  
perilous and dangerous Opinions, as  
appeareth by many of his Confessions,  
as also by a Book Written and Subscri-  
bed by him, and given to us; for the  
which his damnable and heretical O-  
pinions, he is by Divine Sentence de-  
clared by the said Reverend Father,  
the Bishop of *Coventry* and *Lichfield*,  
with the Advice and Consent of Lear-  
ned Divines, and others Learned in  
the Law, assisting him in Judgment,  
justly adjudged, pronounced and de-  
clared to be an obstinate and incorri-  
gible Heretick, and is left by them  
under the Sentence of the great Ex-  
communication; and therefore as a  
Corrupt Member to be cut off from  
the rest of the Flock of Christ, lest he  
should infect others professing the true  
Christian Faith; and is to be by our  
Secular Power and Authority, as an

Heretick punished: As by the *Significavit* of the said Reverend Father in God, the Bishop of *Coventry and Lichfield*, bearing Date at *Lichfield* the Fourteenth day of *December*, in the Ninth Year of our Reign, and remaining in our Court of *Chancery*, more at large appeareth. And although the said *Edward Wightman* hath since the said Sentence pronounced against him, been often very charitably moved and exhorted, as well by the said Bishop, as by many other Godly, Grave and Learned Divines, to dissuade, revoke and remove him from the said Blasphemous, Heretical and Anabaptistical Opinions; yet he arrogantly and willfully resisteth and continueth in the same. We therefore, according to our Regal Function and Office, minding the Execution of Justice in this behalf, and to give Example to others, lest they should attempt the like hereafter, have Determined, by the Assent of our Council, to will and require, and do hereby Authorize and Require You our said Chancellour, immediately

y upon the Receit hereof, to award  
and make out, under Our Great Seal  
of *England*, Our Writ of Execution,  
according to the Tenor in these pre-  
sents ensuing; And these presents shall  
be your sufficient Warrant and Dis-  
charge for the same.

Then was a Warrant granted by the  
King, to the Lord Chancellour of *Eng-  
land*, to award a Writ under the Great  
Seal, to the Sherriff of *Lichfield*, for  
burning of *Edward Wightman*, deli-  
vered over to the Secular Power by  
the Bishop of *Coventry* and *Lichfield*.

*The Warrant.*

THE Kng to the Sheriff of Our  
City of *Lichfield*, Greeting,  
Whereas the Reverend Father in  
Christ, *Richard*, by Divine Providence,  
of *Coventry* and *Lichfield* Bishop, hath  
signified unto Us, That he judicially  
proceeding, according to the Exi-  
gence of the Ecclesiastical Canons, and  
of the Laws and Customs of this our

Kingdom of England, against one *Edward Wightman* of the Parish of *Burton upon Trent*, in the Diocess of *Conventry and Lichfield*, of and upon the Wicked Heresies of *Ebion*, *Cerintus*, *Valentinian*, *Arrius*, *Macedonius*, *Simon Magus*, of *Manes*, *Manichees*, *Photinus*, and of the *Anabaptists*, and other Arch Hereticks; and moreover of other cursed Opinions, belched, by the Instinct of Satan excogitated, and heretofore unheard of; the aforesaid *Edward Wightman* appearing before the aforesaid Reverend Father, and other Divines and Learned in the Law, assisting him in Judgment, the aforesaid Wicked Crimes, Heresies, and other detestable Blasphemies and Errors, stubbornly and pertinaciously, knowingly, maliciously and with an hardened Heart, published, defended and dispersed, by definitive Sentence of the said Reverend Father, with the Consent of Divines, Learned in the Law aforesaid, justly, lawfully, and Canonically, against the said *Edward Wightman* in that part brought, stands adjudged



judged and pronounced an Heretick; and therefore as a diseased Sheep cut of the Flock of the Lord, lest our Subjects he do infect by his Contagion, he hath decreed to be cast out and cut off. Whereas therefore the Holy Mother-Church hath not further in this part what it ought more to do and prosecute, the same Reverend Father, the same *Edward Wightman* as a Blasphemous and Condemned Héretick, hath left to our Secular Power to be punished with Conspicuous Punishment, as by the Letters Patents of the aforesaid Reverend Father the Bishop of *Coventry and Lichfield* in this behalf thereupon made, is certified unto us in our Chancery. We therefore, as a Zealot of Justice, and a Defender of the Catholick Faith, and willing that the Holy Church, and the Rights and Liberties of the same, and the Catholick Faith to maintain and defend, and such like Heresies and Errors every where, so much as in us lies to root out and extirpate, and Hereticks so

so convict, to punish with Conding  
Punishment, holding that such an He  
retick in the afore said Form Conv  
and Condemned according to the  
Laws and Customs of this our King  
dom of *England* in this part accustom  
ed, ought to be Burned with Fire  
We command thee, that thou cause  
the said *Edward Wightman*, being in  
thy Custody, to be committed to the  
Fire in some publick and open Place  
below the City afore said, for the Cause  
afore said, before the People; and the  
same *Edward Wightman* in the same  
Fire, cause really to be Burned in the  
Detestation of the said Crime; and  
for manifest Example of other Christi  
ans, that they may not fall into the  
same Crime: And this no ways omit  
under the Peril that shall follow there  
on. Witncs, &c.

Anno Dom. 1616. An. Reg. Jac. 14.

*An Order of the King's Privy Council  
sent to the Peers of the Realm, for  
the Tryal of the Earl and Countess of  
Somerset.*

*Whitehall, Apr. 24. 1616.*

**A**fter our very hearty Commenda-  
tions to your Lordship;  
whereas the King's Majesty hath re-  
ceived, that the Earl of *Somerset*, and  
the Countess his Wife, lately indicted  
of Felony for the Murder and Poy-  
soning of Sir *Thomas Overbury*, then  
his Majesties Prisoner in the Tower,  
shall now receive their Lawful and  
publick Tryal by their Peers, imme-  
diately after the end of this present  
after Term. At the Tryal of which  
honorable Personages, your Lordship's  
presence, as being a Peer of the Realm,  
and one of approved Wisdom and In-  
tegrity, is requisite to pass upon them.  
These are to let your Lordship under-  
stand,

stand, that his Majesties Pleasure  
and so commandeth by these our Let-  
ters, that your Lordship make your  
repair to the City of London, by the  
Eleventh day of the Month of May  
following, being some days before the  
Tryal intended; at which time your  
Lordship shall understand more of his  
Majesties Pleasure. So not doubting  
of your Lordships Care to observe his  
Majesties Directions, we commit you  
to God,

*Your Lordships very  
loving Friends,*

<i>G. Cant.</i>	<i>E. Worcester.</i>
<i>T. Ellesmere Canc.</i>	<i>Lenox.</i>
<i>Fenton.</i>	<i>P. Herbert.</i>
<i>E. Wotton.</i>	<i>R. Winwood.</i>
<i>Tho. Lake.</i>	<i>F. Grevyll.</i>
<i>Lo. Dare.</i>	<i>J. Caesar.</i>
<i>C. Edmonds.</i>	

*The Speech of Sir Francis Bacon, at the Arraignment of the Earl of Somerset. (the Countess having received the King's Pardon.)*

It may please your Grace my Lord High Steward of *England*, and you my Lords the Peers; You have here before you, *Robert*, Earl of *Somerset*, to be Tried for his Life, concerning the Procuring, and Consenting to the Poisoning of *Sir Thomas Overbury*, when the King's Prisoner in the Tower of *London*, as an Accessary before the fact.

I know your Honours cannot behold this Noble Man, but you must remember the great Favours which the King hath conferred on him, and must be sensible, that he is yet a Member of your Body, and a Peer, as you are, so that you cannot cut him off from your Body but with grief; and therefore you will expect from us that give in the King's Evidence, sound and sufficient matter of Proof to  
satis-

satisfie your Honours Consciencess

As for the manner of the Evidence, the King our Master, who (amongst other his Vertues, excelleth in that Vertue of the Imperial Throne, which is Justice) hath given us Command, that we should not expatiate, nor make Invectives, but materially pursue the Evidence, as it conduceth to the points in question.

A matter, that (though we are glad of so good a Warrant) yet we should have done of our selves : For far be it from us, by any Strains of Wit or Arts, to seek to play Prizes, or blazon our Names in Blood, or to carry the Day other ways than on sure grounds ; We shall carry the Lanthorn of Justice (which is the Evidence) before your Eyes upright, and so be able to save it from being put out with any grounds of Evasion or vain Defence, not doubting at all, but that the Evidence it self will carry that Force, as it shall need no Advantage or Aggravation.

First,

First, My Lords, The Course that will hold, in delivery of that which shall say, (for I love Order) is,

First, I will speak something of the Nature and Greatness of the Offence which is now to be Tried, not to weigh down my Lord with the greatness of it, but rather contrariwise, to shew, that a great Offence needs a good Proof: And that the King, however he might esteem this Gentleman heretofore as the Signet upon his finger, (to use the Scripture Phrase) yet in such a Case as this, he was to put it off.

Secondly, I will use some few words touching the Nature of the Proofs, which in such a Case are competent.

Thirdly, I will state the Proofs.

And Lastly, I will produce the Proofs, either out of Examination, and matters of Writing, or Witnesses *à voce*.

For the Offence it self, it is of Crimes next unto High Treason, the greatest, is the foulest of Felonies: It hath three Degrees. First, It is Murder by Impoy-

Impoysonment. Secondly, It is Murder committed upon the King's Prisoner in the Tower. Thirdly, I might say it is Murder under the colour of Friendship; but that it is a Circumstance Moral, and therefore I leave that to the Evidence it self.

For Murder, my Lords, the first Record of Justice which was in the World, was Judgment upon a Murderer in the Person of *Adam's* First born *Cain*; and though it was not punished by Death, but Banishment, and marks of Ignominy, in respect of the Primogenitors, or the Population of the World; yet there was a severe Charge given, that it should not go unpunished.

So it appeareth likewise in Scripture, that the Murder of *Abner* by *Joab*, though it were by *David* respected, in respect of great Services past or reason of State, yet it was not forgotten. But of this I will say no more because I will not discourse. It was ever admitted and ranked in God's own Tables, That Murder is of Offences



fences between man and man next unto High Treason, and Disobedience to Authority, which sometimes have been referred to the first Table, because of the Lieutenancy of God in Princes the greatest.

For Impoysonment, I am sorry it should be heard of in our Kingdom: it is not *nostri generis, nec sanguinis peccatum*; it is an *Italian* Comfit fit for the Court of *Rome*, where that person that intoxicateth the Kings of the Earth, is many times really intoxicated and poysoned himself; but it hath three Circumstances which makes it grievous beyond other matters.

The First is, That it takes a man away in full peace, in God's and the King's peace; that thinks no harm, but is comforting of Nature with Recreation and Food, so that as the Scripture saith, his Table is made a Snare.

The Second is, That it is easily committed and easily conceal'd; and on the other side, hardly prevented, and hardly discovered: For Murder by violence Princes have Guards, and

H

Pri-

Private Men have Houses, Attendants and Arms. Neither can such Murder be committed, but *Cum sonitu*, with some overt and apparent Acts, that may discover and trace the Offenders; but by Poyson, the Cup it self of Princes will scarce serve, in regard of many Poysons that neither discolour nor distate: It comes upon a man when he is careless, and without suspicion; and every day a man is within the Gates of Death.

And the last is, because it concerneth not only the destruction the Maliced men; but of every Man, *quis modotutus erit?* For many times, the Poyson is prepared for one, and is taken by another; so that Men die other Men's Deaths, *Concidit infelix alieno vulnere*. And it is as the Psalmist calleth it, *Sagitta nocte volans*, the Arrow that flieth by Night, that hath no Aim nor Certainty: And therefore, if any man shall say to himself, Here is great talk of Imposoyment, but I am sure I am safe: For I have no Enemies, neither have

have I any thing another man should long for. Why, that is all one, he may sit next him at the Table, that is meant to be Impoysoned and pledge him of his Cup: As we may see in the Example of 21 *Hen.* 8. That where the purpose was to Poyson one man, there was Poyson put into Barm or Yeast, and with that Barm, Pottage or Grewel, was made, whereby Sixteen of the Bishop of *Rocheſter's* Servants were poysoned. Nay, it went into the Alms-basket likewise, and the Poor at the Gate were poysoned; and therefore with great Judgment, did the Statute, made that Year, touching this Accident, make Impoysonment High Treason, because it tends to the Dissolving of Humane Society: For whatsoever Offence doth so, is in the Nature thereof High Treason.

Now, For the Third Degree of this particular Offence, which is, that it is Committed upon the King's Prisoner, who was out of his own Defence, and meerly in the King's Protection, and for whom the King and

State were a kind of Respondent : It is a thing that aggravates the Fault much : For certainly (My Lord of Somerset) let me tell you this, That Sir *Thomas Overbury* is the first Man that was Murdered in the Tower of London, save the Murder of the two young Princes, by the Appointment of *Richard* the Third.

Thus much of the Offence, now to the Proofs.

For the matter of Proofs, you may consider, that Impoysonment, of all Offences is most secret, even so secret, that if in all Cases of Impoysonment, you should require Testimony, you should as good proclaim Impunity.

Who could have impeached *Livie* by Testimony, for the poysoning of the Figgs upon the Tree, which her Husband was wont to gather with his own Hands ? Who could have impeached *Parasetis* for the poysoning of the one side of the Knife she carried with her, and keeping the other side clean ; so that her self did eat of the same Piece of Meat that they did, whom she did impoyson.

These

These Cases are infinite, and need not to be spoken of the Secrecy of Impoysonment; but wise men must take upon them, in these Secret Cases, *Solomon's Spirit*, that, when there could be no Witnesses, collected the Act by the Affection; but yet we are not at our Cause, for that which your Lordships are to try, is not the Act of Impoysonment; for that is done to your Hands: All the World by Law is concluded to say, that *Overbury* was poysoned by *Weston*; but the question before you, is of the Procurement only, and as the Law termeth it, as accessory before the Fact; which abetting, is no more, but to do, or use any Act or Means which may aid, or conduce to the Impoysonment.

So that it is not the buying, nor the making of the Poyson, nor the preparing, nor confecting, nor commixing of it, or the giving, or sending, or laying of the Poyson that did the only Acts that do amount unto the Abettment; but if there be any other Act or Means done or used, to give opportunity of

Impoysonment, or to facilitate the Execution of it, or to stop or divert any Impediments that might hinder it, and that it be with an intention to accomplish and atchieve the Impoysonment: All these are Abettments, and Accessaries before the Fact: As for Example, if there be a Conspiracy to murder a man, as he journeyeth on the way by Invitation, or by colour of some Business; and another taketh upon him to dissuade some Friends of his Company, that he is not strong enough to make his Defence; and another hath a part, to hold him in talk till the first Blow be given. All these, My Lords, without Scruple, are Accessaries to the Murder, although none of them give the Blow, nor assist to give the Blow.

My Lords, He is not the Hunter alone, that lets slip the Dog upon the Deer, but he that lodgeth him, and hunts him out, or sets a Train or Trap for him, that he cannot escape, or the like; but this My Lords, little needeth in this Case: For such a Chain of

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Acts of Impoysonment as this, I think was never heard or seen. And thus much of the Nature of the Proofs.

To descend to the Proofs themselves, I shall keep this Course.

First, I will make a Narration of the Fact it self.

Secondly, I will break and distribute the Proofs, as they concern the Prisoner, and,

Thirdly, According to the Distribution, I will produce them and read them, to use them, so that there is nothing that I shall say, but your Lordships shall have Three Thoughts or Cogitations to answer it.

First, When I open it, you may take your Aim.

Secondly, When I distribute it, you may prepare your Answers without Confusion, and,

Lastly, When I produce the Witnesses, or the Examinations themselves, you may again ruminate, and readvise to make your Defence.

And this I do, because your Memory and Understanding may not be op-



pressed or over-laden with length of Evidence, or with Confusion of Order: Nay more, when your Lordships shall make your Answer in your time, I will put you in mind, where Cause shall be, of your omission.

First, Therefore Sir *Thomas Overbury*, for a time, was known to have great Interest and strait friendship with my Lord of *Somerset* both in his meaner Fortunes, and after, insomuch, that he was a kind of Oracle of Direction unto him; and if you will believe his own Vaunt, (being indeed of an Insolent and Thraasonical Disposition) he took upon him, that the Fortunes, Reputation and Understanding of this Gentleman (who is well known to have an able Teacher) proceeded from his Company and Counsel; and this Friendship rested not only in Conversation, and Business at Court, but likewise in Communication of Secrets of State: For my Lord of *Somerset* exercising at that time, by his Majesties special Favour and Trust, the Office of Secretary, did not



not forbear to acquaint *Overbury* with the King's Pacquets and Dispatches from all parts of *Spain*, *France* and the Low Countries; and this not by glimpses, or now and then rounding in the Ear, for a Favour, but in a settled manner. Pacquets were sent, sometimes opened by my Lord, sometimes unbroken unto *Overbury*, who perused them, copied them, registred them, made Table-talk of them, as they thought good; so I will undertake, the time was, when *Overbury* knew more of the Secrets of the State, than the Council-Table did. Nay, they were grown to such Inwardness, as they made a Play of all the World besides themselves; so as they had Cyphers and Jurgons for the King and Queen, and Great Men of the Realm. Things seldom used, but either by Princes or their Confederates, or at the least, by such as practice and work against, or at the least upon Princes.

But understand me, My Lord, I shall not charge you with Disloyalty at this day, and I lay this for a Foundation,

dation, that there was great Communication of Secrets between you and Sir *Thomas Overbury*, and that it had relation to matters of State, and the great Causes of this Kingdom.

But, My Lords, as it is a Principle in Nature, that the best things are in their Corruption the worst, and the sweetest Vine maketh the sourest Vinegar; so it fell out with them, that this Excess (as I may say) of Friendship, ended in mortal Hatred on my Lord of *Somerſet's* Part.

I have heard my Lord Steward say, sometimes in the *Chancery*, that Froward and Fraud end foul; and I may add a Third, and that is, the Friendship of Ill Men; which is truly said to be Conspiracy and not Friendship: For it fell out some twelve Months or more before *Overbury* his Imprisonment in the Tower, that the Earl of *Somerſet* fell into an unlawful Love towards that unfortunate Lady the Countess of *Essex*, and to proceed to a Marriage with her; this Marriage and Purpose did *Overbury* mainly impugne, under pretence

pretence to do the true part of a friend, for that he accounted her an unworthy Woman; but the Truth was, *Overbury*, who (to speak plainly) had little that was solid for Religion, or Moral Vertue, but was wholly possessed with Ambition and Vain Glory, was loth to have any Partners in the Favour of my Lord of *Somerset*; and especially, not any of the House of the *Howards*, against whom he had always professed Hatred and Opposition.

And my Lords, that this is no sinister Construction, will appear to you, when you shall hear that *Overbury* made his Brags, that he had won him the Love of the Lady by his Letters and Industry; so far was he from Cases of Conscience in this point.

And certainly, my Lords, howsoever the Tragical Misery of this poor Gentleman, *Overbury*, might somewhat obliterate his Faults, yet because we are not upon point of Civility, but to discover the Face of Truth before the Face of Justice: For that it is material  
to

to the true understanding of the State of this Cause, *Overbury* was enough and corrupt; the Ballads must be mended for that point.

But to proceed, when *Overbury* saw that he was like to be Possessor of my Lords Grace, which he had possessed so long, and by whose Greatness he had promised himself to do Wonders; and being a Man of an unbounded, impudent Spirit, he began not only to dissuade, but to deter him from the Love of that Lady; and finding him fixed, thought to find a strong Remedy; and supposing that he had my Lord's Head under his Girdle, in respect of Communication of Secrets of State, as he calls them himself Secrets of Nature; and therefore dealt violently with him, to make him desist with Menaces of Discovery and the like. Hereupon grew two Streams of Hatred upon *Overbury*: the one from the Lady, in respect that he crossed her Love, and abused her Name (which are Furies in Women) the other of a more deep Nature, from my

Lord

Lord of *Somerset* himself, who was afraid of *Overbury's* Nature; and if he did break from him, and fly out, he would wind into him, and trouble his whole Fortunes. I might add a third Stream of the Earl of *Northampton's* Ambition, who desires to be first in Favour with my Lord of *Somerset*; and knowing *Overbury's* Malice to himself and to his House, thought that Man must be removed and cut off; so as certainly it was resolved and Decreed, that *Overbury* must die.

That was too weak, and they were so far from giving way to it, as they crossed it; there rested but two ways of Quarrel, Assault and Poyson: For that of Assault, after some Proposition and Attempt, they passed from it, as a thing too open and subject to more variety of Shame: That of Poyson likewise was an hazardous thing, and subject to many Preventions and Caution, especially to such a Working and Jealous Brain as *Overbury* had, except he was first fast in their Hands: Therefore the way was first to get him

him into a Trap, and lay him up, and then they could not miss the Mark. And therefore in Execution of this Plot, it was concluded, that he should be design'd to some Honourable Employment in Foreign Parts, and should under-hand by my Lord of Somerset be encouraged to refuse it; and so, upon Contempt, he should be laid Prisoner in the Tower, and then they thought he should be close enough, and Death should be his Bail; yet were they not at their End: For they considered, that if there were not a fit Lieutenant of the Tower for their purpose, and likewise a fit Under-keeper of *Overbury*, First, They should meet with many Impediments in the giving and exhibiting of the Poyson. Secondly, They should be exposed to Note and Observation, that might discover them. And Thirdly, *Overbury* in the mean time might write clamorous and furious Letters to his Friends, and so all might be disappointed: And therefore the next Link of the Chain, was to displace the then

Lieu-

Lieutenant *Wade*, and to place *Yelvis* a Principal Abettor in the Impoysonment, to displace *Cary* that was Under-keeper in *Wade's* Time, and to place *Weston*, that was the Actor in the Impoysonment; and this was done in such a while, that it may appear to be done as it were in a Breath. Then when they had this poor Gentleman in the Tower, close Prisoner, where he could not escape, nor stir, where he could not feed but by their Hands, where he could not speak nor write, but through their Trunks; then was the time to act the last Day of his Tragedy.

Then must *Franklin*, the Purveyor of the Poyson, procure five, six, seven several Poysons, to be sure to hit his Complexion; then must Mrs. *Tur-*  
*er*, the Lay-mistress of the Poysons, advise what works at present, and what at distance; then must *Weston* be the Tormentor, and chase him with Poyson after Poyson, Poyson in Salt Meats, Poyson in Sweet Meats, Poyson in Medicines and Vomits,



mits, until at last his Body by the use of Treacle and Preservatives, was fortified, that the force of the Poyson was blunted upon him. *Weston* confessing, when he was chid for not dispatching him, that he had given him enough to poyson twenty men.

And Lastly, Because all this asked time, Courses were taken by *Somerſet* both to divert all the true means of *Overbury's* Delivery, and to entertain him with continual Letters, partly with Hopes and Protestations for his Delivery, and partly with other Fables and Negations: somewhat like some kind of Persons, which keep in a Tale of Fortune-telling, when they have a Felonious Intent to pick their Pockets and Purses. And this is the true Narration of this Act, which I have summarily recited.

Now for the Distribution of the Proofs, there are four Heads to prove you guilty, whereof two are precedent to the Impoysonment; the Third is present, and the Fourth is following or subsequent: For it is in

Proofs



Proofs, as it is in Lights, there is a direct Light, and there is a Reflection of Light, and a double Light.

The first Head or Proof thereof is, that there was a Root of Bitterness, a Mortal Malice or Hatred mixed, with a deep and bottomless Mischief, that you had to Sir *Thomas Overbury*.

The Second is, That you were the Principal Actors, and had your Hand in all those Acts which did conduce to the Impoysonment, and gave Opportunity to effect it, without which, the Impoysonment could never have been, and which could seem to tend to no other end but the Impoysonment.

The Third is, That your Hand was in the very Impoysonment it self, that you did direct Poyson, and that you did deliver Poyson, and that you did continually hearken to the Success of the Impoysonment, and that you spurred it on, and called for a Dispatch, when you thought it lingred.

And Lastly, That you did all things after the Impoysonment, which may detect a guilty Conscience for the smo-

thering of it, and the avoiding of Punishment for it, which can be but of three Kinds.

That you suppressed as much as in you was, Testimony, that you did deface, destroy, clip and misdate all Writings that might give light to the Impoysonment; and you did fly to the Altar of Guiltiness, which is a Pardon of Murder, and a Pardon for your self, and not for your self.

In this, my Lords, I convert my Speech unto you, because I would have you alter the points of your Charge, and so make your Defence the better: And two of these Heads I have taken to my self, and left the other to the King's two Serjeants.

For the first main part, which is the Mortal Malice coupled with Fear that was in you to Sir *Tho. Overbury*, altho' you did palliate it with a great deal of Hypocrisie and Dissimulation, even to the very end: I will prove it, my Lord Steward, the Root of this Hate, was that which cost many a Man's Life, that is, fear of discovering Secrets,

crets; I say, of Secrets of a dangerous and high Nature; wherein the Course that I will hold shall be this.

I will shew that a Breach and Malice was betwixt my Lord and *Overbury*, and that it burst forth into violent Threats and Menaces on both sides.

Secondly, That these Secrets were not of a Light, but of an High Nature: I will give you the Elevation of the Pole; they were such as my Lord of *Somerset* had made a Vow, that *Overbury* should never live in Court nor Country; that he had likewise opened so far, that either he or himself must die for it; and of *Overbury's* part, he had threatned, my Lord, that whether he did live or die, my Lord's Shame should never die; but that he would leave him the most odious Man in the World; and further, that my Lord was like enough to repent, where *Overbury* wrote, which was in the Tower of *London*, he was a Prophet in that. So there is the highest of the Secret.

Thirdly, I will shew you, that as the King's Business was by my Lord put into *Overbury's* Hands, so as there is work enough for all Secrets whatsoever, they write them, and like Princes, they had Confederates, their Cyphers and their Jurgons.

And Lastly, I will shew you, that it was but a Toy, to say, the Malice was only in respect he spake dishonourably of the Lady, or for doubt of breaking the Marriage, for that *Overbury* was Coadjutor to that Love; and the Lord of *Somerset* was as deep in speaking ill of the Lady, as *Overbury*. And again, it was too late for the matter; for the Bargain of the Match was then made and past: And if it had been no more than to remove *Overbury* from disturbing the Match, it had been an easie matter to have landed over *Overbury*; for which they had a fair way, but that would not serve.

And Lastly, *periculum periculo vincitur*, to go so far as an Impoysonment, must have a deeper Malice than Flashes for the Cause must have a Proportion in the Effect.

For the next General Head or Proof, which consists in the Acts preparatory, or middle Acts; they are in eight several Points of the Compass, as I may term them.

First, There were divers Devices and Projects to set *Overbury's* Head on Work to dispatch him and overthrow him, plotted between the Countess of *Essex*, and the Earl of *Somerset*, and the Earl of *Northampton*, before they fell upon the Impoisonment: For always before men fix upon a Course of Mischief, there will be some Rejection; but die he must one way or other.

Secondly, That my Lord of *Somerset* was principal Practicer, I must speak it in a most perfidious manner, to set a Trap and Train for *Overbury*, to get him into the Tower, without which they durst not attempt the Impoisonment.

Thirdly, That the placing of the Lieutenant *Yelvis*, one of the Impoisonments, was done by my Lord of *Somerset*,

Fourthly, That the placing of *Weston* the Underkeeper, who was the principal Impoysoner, and the displacing of *Cary*; and the doing all this within the space of fifteen Days after *Overbury's* Commitment, was by the Means and Countenance of my Lord of *Somerset*; and these were the Active Instruments of the Impoysonment: And this was a business the Ladies Power could not reach unto.

Fifthly, That because there must be a Cause of this Tragedy to be Acted, and chiefly, because they would not have the Poysons work upon the sudden; and for that the Strength of *Overbury's* Nature, on the very Custom of receiving the Poysons into his Body, did overcome the Poysons, that they wrought not so fast; therefore *Overbury* must be held in the Tower, as well as he was laid in; and as my Lord of *Somerset* got him into the Trap, so he keeps him in, and abuseteth him with continual hope of Liberty, but diverted all the true and effectual Means of his Liberty, and makes

makes light of his Sickneſs and Extre-  
mities.

6. That not only the Plot of getting *Overbury* into the Tower, and the De-  
vices to hold and keep him there, but  
the ſtrange manner of the cloſe keep-  
ing of him, being in but for a Con-  
tempt, was by the Device and Means  
of my Lord of *Somerſet*, who denied  
his Father to ſee him, denied his Ser-  
vants that offered to be ſhut up cloſe  
Prisoners with him; and in effect hand-  
led it ſo, that he made him cloſe Pri-  
ſoner to all his Friends, and expoſed  
to all his Enemies.

Seventhly, That all the Advertiſe-  
ment the Lady received from time to  
time, from the Lieutenant or *Weſton*,  
touching *Overbury's* State of Body and  
Health, were ever ſent nigh to the  
Court though it were in Progreſs, and  
that from my Lady, ſuch a Thirſt and  
Liſtning he had to hear that he was  
diſpatched.

Laſtly, That there was a continual  
Negotiation to ſet *Overbury's* Head on  
Work, that he ſhould make ſome to  
I 4 clear



clear the Honour of the Lady, and that he should be a good Instrument towards her and her Friends; all which was but Entertainment: For your Lordships shall see divers of my Lord of Northampton's Letters, (whose Hand was deep in this Business) written, I must say in dark words and Clauses, that there was one thing pretended, and another thing intended; that there was a real Charge, and somewhat not real, a main Drift and Dissimulation: Nay further, there be some Passages which the Peers in their Wisdoms will discern, to point directly at the Poysonment.

1224

King



*King James his Pardon to Frances,  
Countess of Somerset, for Poysoning  
of Sir Thomas Overbury.*

James Rex,

**T**He King, to whom, &c. Greeting. Whereas the Fountains, as well of Mercy as Justice, are wont, and ought to flow from the King's Throne, of which the former of Justice in the memorable Case of the Death and Murther of Sir Thomas Overbury, in a constant and right Course, hath flowed, and is derived from us, and our Royal Court, for the full Satisfaction of our selves and Subjects: And whereas divers and manifold Causes of our Clemency occur, which may move our Regal Mercy towards Fr. Carre, late Countess of Somerset, chiefly, that Murther, with so many such examples of Justice, before this time expiated, especially two, whereof the first respecteth her Father, and Friends, and Family, and Noble Progeny; the other hath respect to her self,

self, because she freely and willingly confessed her Offence, submitting and prostrating her self at the Altar of our Mercy, not only during the time of her Imprisonment, but also publickly and in her Trial: And forasmuch as Lord Ellesmere, our Chancellor of England, and being our High Steward of England in that behalf, and all her Peers, by whose Judgment she was Convict, at the Humble Petition of the said *Frances* publickly made solemnly bound themselves by their promise to intercede for our Royal Mercy towards her; and first, weighing with our selves the Nature of her Offence, upon which she was Indicted, Arraigned, Convicted and Condemned, viz. that the Process and Judgment were not as of a Principal but as of an Accessary before the Fact and that she seemed to have begun by the Procurement, and wicked Instigation of certain base Persons. Know ye, that We, moved with Pity, of our special Grace, and of our certain Knowledge, and our meer Motion have

Pardoned, Remitted and Remised, and by these Presents, for us, our Heirs and Successors, do Pardon, Remise and Release to the aforesaid *Frances Carre*, late Countess of *Somerset*, or by whatsoever other Name or Sir-name, or Addition of Name, or of her Sir-name of Dignity, Place, or Places, the same *Frances* may be known, esteemed, called or named, or lately was known, esteemed, called or Named, the Slaughter, Killing, Poysoning, Bewitching, Death, Felony, and Felonious Murthering of the aforesaid *Sir Thomas Overbury*, or by whatsoever Name, Sir-name, or Addition of Name or Sir-name, of Place or Places, the said *Sir Thomas Overbury* may be known, esteemed, called or named, or lately was known, esteemed, called or named by the said *Frances*, by her self alone, or with any other Person, or Persons whatsoever, howsoever, in what manner soever, whensoever or wheresoever done, committed or perpetrated, all and all manner of Conspiracies, Felonies, Abettments, Procurements, Incitations, Partnerships, Main-

Maintainances, Helps, Hirings, Com-  
mands, Councils, Crimes, Transgres-  
sions, Wrongs, Offences and Faults  
whatsoever the aforesaid Death, Slaugh-  
ter, Killing, Poysoning, Bewitching,  
Felony and Felonious Murthering of  
the aforesaid Sir *Thomas Overbury*, in  
any wise, touching or concerning,  
and the Accessary of them as before  
the Fact, as after the Fact, and Flight  
and Flights made thereupon, although  
the said *Frances* of the Premisses, or  
any of the Premisses stand, or not  
stand Indicted, Impeached, Appellat,  
Vocat, Rectat, Maneat, Convicted,  
Condemned, Attainted or Adjudged  
by the Judgment of her Peers, before  
the aforesaid High Steward of *England*,  
or otherwise howsoever, or thence  
in time to come, shall appear to be In-  
dicted, Impeached, *Appellari, Rectari,*  
*Vocari, Waviari*, Convicted, Condem-  
ned, Attainted or Adjudged; and all  
and singular Indictments, Judgments,  
Condemnations, Executions, Pains of  
Death, Pains of Corporal Punishments,  
and all other Pains and Penalties  
what-

whatsoever, of, for, or concerning the  
 Death, Slaughter, Killing, Poyson-  
 ing, Bewitching, Felonies, and Felo-  
 nious Murthering of the aforesaid Sir  
*Thomas Overbury*, in, upon or against  
 the same *Frances*, had, made, returned  
 or adjudged, or which we against the  
 same *Frances* may have in time to come,  
 (Imprisonment at our Royal Pleasure,  
 or Restraint confining to a certain  
 place only excepted) Moreover we do  
 pardon, and by these presents for us,  
 our Heirs and Successors, remit and re-  
 mise to the aforesaid *Frances*, all and  
 every Outdowries, which against the  
 same *Frances*, by reason or occasion  
 of the Premisses or any of them, have  
 been proclaimed, or hereafter shall be  
 proclaimed; and all and all manner  
 of Suits, Complaints, Impeachments  
 and Demands whatsoever, which we  
 against the same *Frances* for the Pre-  
 misses, or any of the Premisses have  
 had, have, or in time to come shall  
 have; and the suit of our Peace which  
 appertained to us against the same  
*Frances*, or may appertain by reason  
 of

of the Premisses, or any of them, and by these Presents, we do give and grant our firm peace to the same *Frances*, willing that the same *Frances* by the Justices, Sheriffs, Escheators, Bayliffs, or any other our Ministers, by the occasions aforesaid, or any of them, be not molested, troubled, or in any manner vexed, so as nevertheless she stand right in our Court, if any towards her should speak concerning the Premisses, or any of the Premisses, although the said *Frances* do not find good and sufficient Security, according to the Form of a certain Act of Parliament, of the Sovereign Lord *Edward* the Third, Late King of *England*, our Progenitor, held at *Westminster*, in the Tenth Year of his Reign, for her Good Behaviour from henceforth towards us, our Heirs and Successors, and all our People: And farther, for us, our Heirs and Successors, of our more ample, special Grace, and out of our certain Knowledge, and our meer motion, we will, and grant by these presents, that these our Letters

ers Patent of Pardon, and all and singular the things contained in the same, shall stand and be good, firm, valid, sufficient and effectual in the Law, and from henceforth shal by no means become void; and that in time to come, the said *Frances* by any means shall not be Indicted, Arrested, Accused, vexed or troubled of, for or concerning the Death, Murther, Slaughter, Poysoning, Bewitching, Felony, or felonious Killing of the aforesaid Sir *Thomas Overbury*, howsoever, or by whatsoever means the said Sir *Thomas Overbury* came to his End. The Statute of the Sovereign Lord *Richard* the second, Late King of *England*, in the Thirteenth Year of his Reign, or any other Statute, Act, Ordinance, Provision, Restriction to the contrary hereof notwithstanding. In Testimony whereof, &c. Witness, &c.

*Francis Bacon.*

Anno



Anno Dom. 1621. An. Reg. Jac. 19.

*An Order of the Privy Council.*

Whitehall January 18. 1621.

Present,

Lord Keeper.	Lord Digby.
Lord Treasurer.	Lord Brook.
L. President.	Mr. Treasurer.
L. M. Hamilton.	Mr. Secret. Calvert
Earle Marshall.	Mr. Chanc. Excheq.
L. Vis. Falkland.	Master of the Rolls

Whereas his Majesty is Graciously pleased to enlarge and set at Liberty the Earl of *Somerset* and his Lady, now Prisoners in the Tower of *London* and that nevertheless it is thought fit that both the said Earl and his Lady be confined to some convenient place: It is therefore, according to his Majesties Gracious Pleasure and Command Ordered, That the Earl of *Somerset* and his Lady, do repair either to *Gray*



or *Cowsham*, the Lord *Wallingford's* Houses in the County of *Oxon*, and remain confin'd to one or either of the said Houses, and within three Miles compass of either of the same, until further Order be given by his Majesty.

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*The Duke of Buckingham's Answer to the Spanish Ambassador's Informations, &c. Anno Dom. 1624. in the 22d. of King James.*

From the Original, written by Sir *Edward Coke's* (then Attorney General) own Hand.

**M**Y Master's known Wisdom, Justice, and constant Favour towards me, attended with Confidence in my own Faith and Innocency, may make it seem both needless and unfit by any Defence, to shew respect to a *Libellous Information*, which reflecteth wholly upon the Author's Dishonour: For who will not abhor this deplored Art of Calumniating boldly? Because no Aspersion (how false soever) can  
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be wash'd off so clean, but some dis-colouring will remain.

Besides, tho' Conspiracy be a Work of Darkness, hardly to be cleared, because, in it, Suspicions go for Proof; yet my Youth and manner of Life, and even that Character of Irregular Freedom which the Accusers set upon me, will, by *Cæsar's* known Judgment, acquit me thereof: And therefore, if my Personal Disgrace or Danger were the Marks they aim at, I would stand or fall by his Knowledge of me, who hath made me what I am; and hath both Right and Power to unmake me at his pleasure.

But as that Wise King well understood, that when his Brother demanded the *Shunamite*, he sought not her but the Kingdom; so his Majesties piercing Judgment will discover my Name to be the Mask, Himself, his Royal Children, and his Kingdoms to be the true Subjects of this practicing Complaint. And tho' the Particulars thereof are forged, partly by Jesuites and their Factions at Home,  
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and partly by corrupt Ministers and Emillaries Abroad; yet the Workmen that manage them are Publick Ministers of State, of whose Offices and Sway amongst us, we already feel the smart, and have cause to prevent the Danger that may ensue: especially considering, they are Engines of that affected Monarchy, which hath enlarged it self by Negotiations, more than by Arms: And which by advantage of late Treaties, hath not lately invaded the Patrimonies of his Majesties Children, but procured such Liberty and Connivance with his own Kingdoms, as they supposed would produce a Rebellion, not to be appeased without the help of their Arms.

And since their Designs (by God's Providence) are now brought to light, what could Malice it self have attempted more pernicious than by such Infectious Breaches, fury-like to stir Jealousies betwixt the King, his People and most obliged Servants; and which is more horrible, betwixt the Bark and the Tree: Nay, betwixt

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the Tree it self and all the Branches thereof. Now in respect of these Consequences, altho' my Person be of no Consideration, and happily, by saying nothing, or doing easie Offices might redeem their Displeasure: Yet where my Duty is so deeply engaged, I, in my Heart, cannot hold; and therefore for their Interests for whom by my humble thankfulness and Faith, I account the chief Hopes and Fruits of my Life; yet so as the World shall bear me Witness, I plead my Cause, the demonstration that his Majesty commanded these Informations; first to be told, and then to be written in the Letters they alledge, whereby they excuse themselves of being Informers, as of a Practise too base for Persons of their Rank. But the Truth redoundeth only to his Majesties Honour. For as in their Treaties, they ever drew us on by making us rich and happy in general Promises, so now by such general contriving of strange Conspiracies and Plots among our selves, they endeavour to divert

us from any further Discovery or Prevention of theirs.

And this his Majesty perceiving, First pressed them to Particulars, finding their Verbal Charges uncertain, and subject to Inlargement, or Restriction, at the Peoples Pleasure: he then commanded them to be written so as now they are fixed, and no more in their Power; but may be examined and judged by all men of Understanding, to whose Construction and Censure, I willingly submit both them and my Answer. For what can be the Danger, When in the very Entrance of my Accusation they acknowledge, that the matters objected against me, are not such as may be cleared by Judicial Proofs? And must his Majesty then take them merely upon Trust? Indeed Ambassadors have an Honourable Trust for their Masters Affairs; and if they obtain a like Trust with those Princes to whom they are imployed; what will they not persuade? Shall not the Restitution of the Palatinate, the Marriage

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and Dispensation, and the Portion be made Articles to be added to our Creed? But the Original Sin and Root of all Treasons and Offences laid to my Charge is, that by eating the forbidden Fruit in *Spain*, mine Eyes have been opened to discover the Evil as well as the Good; and so to trust them no further than they deserve.

And yet I will not here take them too short, for they say they have Witnesses; but such as for fear of my Power do withdraw themselves; such as dare not speak and deliver their minds, though commanded by the King; and though thereby they suffer the best King in the World to be brought into Extremities; and such as neither will nor dare speak, if first they be not freed from Jealousie and Fear, yet these they pronounce to be his Majesties Most Faithful Subjects. Surely of our Faith they cannot be which holdeth them Traytors, Faithless and Perjured, that prefer not the Safety, and Honour of their Prince and Country, before the Fear and Respect of  
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any person whomsoever: And if this Fear proveth them to be of their Faith, how can they think, the Entering into the Ambassador's House, to be so heinous, a matter as here is pretended? Doth not all the World know the Liberty they give; and which, as Papists, have taken beyond Examples in this kind? They are not then Mass-Papists, but perhaps of Higher Rank, having Place and Access to deliver their Minds to the King if they durst.

And such only are worthy their Nomination, and his Majesties Audience in Matters of this Weight. His Majesty therefore, to go beyond Craft and Malice, hath, in his Royal Wisdom and Justice, by a new Example, permitted even the great men, which by their ordinary Access might be subject to this Scandal, to be examined upon Oath. And what the Accusers gained thereby, let them boast, and shew reason (if they can) why the Honour done me in their Answer, should not give both his Majesty and the

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World



World Satisfaction on my behalf; and why they themselves, (till they produce other Authors) should not be reputed the Inventors of these Scandals and Reports? And whereas they say in the end, that there wanteth not means to free these honest Men (as they call them) from Fear and Distrust: Indeed the Inquisition of *Spain* is said to have found the way, First to Imprison, and keep close, and so encourage Accusers, if such be not readily found, then to force men by Extremities to be Accusers of themselves. But howsoever this way hath prevailed to Exterminate from their Country that which they call Heresie, and we True Religion: Yet considering no other Nation approveth it as Lawful and Just, I hope I shall not be the first Example of planting it amongst us.

But they say further, though his Subjects durst not, yet the Ambassadors would have informed his Majesty against me, if any free Audience could in my Absence have been obtained. And why in my Absence?

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Or why should not the Ambassador of so Great a King accuse me to my Face? Or how could they without Dishonour to their Master and themselves, traduce me behind my Back? And why did my Industrious seeking to be present, argue my Fear and Diffidence of Conscience, and not rather an assured Confidence in my Truth? But this (say they) is not to be done, save only where the King is of small Experience or under Age, or of no Judgment, and the Favorite wise, circumspect, and of great Judgment and Experience; and not in this Case where every thing is contrary. Whereunto I answer, that I am most willing to lay my Honour at my Master's Feet in the Dust; so as the World be sensible with greater Indignation of this Jesuit-school-wit that by the Figure of Opposing, my Master to me, and him to other Princes, seemingly flattereth, really staineth the Honour both of our and their Kings.

For ours, the Freedom of Access, Discourse, Conversation and Entertainment he giveth to all Ambassadors,

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is such a Singular Glory to all his Royal Abilities, and Gracious Dispositions as no Favourite can Eclipse, no Carrier can blemish: And for theirs, what Power Favourites have had in their Accesses and all Affairs, every Man knoweth, that knoweth ought of *Spain*: And must we therefore apply the Use and Honour of their Favourites, to the disabling of their King? As unexperienced and precipitate as they make me, I know my Duty better; and do well understand, that Favourites do then vanish, when their Masters Greatness by them becometh less: Yet this is not all; for they tell us, that his Majesty is Most Wise, of Great Experience, and the best King in the World. And this they repeat, that with the Sugar of these Epithites they may cover their Bitter Pills: For they forbear not withal to say, that he suffereth a Precipitate Novice to be too Powerful with him, that his Most Faithful Subjects dare not deliver their Minds unto him: And that thereby he is brought into Great  
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Extremities, and doth many unfit things.

And are these Figures to be used to Princes? Did the Ministers of Great Monarchs thus by Deeds confute Words? And am I the Cat they whip, to make the King believe I draw him over the Pool? This savoureth not of that Modesty which I may challenge to my self, if I acknowledge those defects they charge me withal. And yet when they have laid me as low as they please, they shall find my weak Understanding supported sufficiently with my Master's Wisdom: And for my Experience, though I may assume somewhat by so many Years Trust and Imployment under him; yet somewhat more I have learnt in *Spain*, to be put in practise when my Service shall be commanded in those Parts. Notwithstanding I confess ingeniously, that what I do amiss, proceedeth from my own precipitation and Error. And what I do well, is by my Master's Wisdom and Instruction, for which I owe him more, than for his great Favour, and the Fortunes

I enjoy. But for these Actions, which under the Veil of my Name, they endeavour to make odious to their Party, I profess, that as they are really his Majesties or the Princes; so they are well approved by the chiefest and best part of Christendom, as tending to the Honour of his Wildom, the Good of the Prince, the Happiness of the People, and the Settling of this State in their Posterity for ever.

For the better clearing whereof, I will proceed to a particular Examination of those Extremities to which they say his Majesty is now brought.

The First is the Enmity of their most powerful King by my industrious Procurement: And why his Enmity? Because the Treaties are dissolved. And is this a necessary Consequence, that either we must suffer them by Treaties to undermine and compass all their ends, or else undergo their Enmity, and (as they afterwards interpret it) a most cruel War? And is not this a Proclamation to all the World, that they aspire to such an absolute Monarchy.

chy, as so many Books Stories, Discourses, and the general Complaints of all Princes and States have long charged them with? And indeed, as the true Character of their Religion is Persecution and Blood, so the true mark of their Empire is Oppression and War: Yet cannot these Threatnings amuse or disturb the Religious and peaceable Resolutions of our King, Prince and People. They hate War, they pray against it, they love Peace, they prosper by it; and therefore endeavour by all means to preserve it: But if they be assailed, they cannot but remember how God's Mighty Hand, by a Late Queen of peace, brought down her Enemies greatness and pride, to acknowledge the Sovereignty of a despised people, which ever since hath resisted and ballanced their power: And therefore they cannot but hope, that the same Arm by a King of peace, shall in the end prevail with them to entertain a safe peace upon more equal Terms; and then all men shall have cause to applaud that Wisdom and  
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Resolution which these men are troubled with, and therefore speak against.

The next Extremity they complain of is the calling of a Parliament by my procurement, and to my ends, wherein the Honour they do me is more than I am capable of. And for the Jealousie they would raise of making myself Head of that Council, or the *Puritan* Faction; my Master will laugh at it, and thereby know they want probable Matter to object against my Faith; which when they question, they assail me in my Strength, and shall find my Deeds as ready and confident Justifications as my Words. But it is not my Faith or Aspiring, they here would bring in doubt; they have a further Strain: For as before they made my Name a Fume to disquiet the Head; now they make it a Poison to carry Infection into the Body.

For, What is the Parliament, but the Body of the Kingdom? And why do they stain it with the hateful Name

of *Puritan*, but to make it odious to the King? Indeed such Names help the Jesuits in Disputes of Religion, when they are driven from all real Defences; and would they practice this deplorable Art in the Matters of State, if they were not in his Case that called Christ *Galilean*, when he was vanquished by his Power? For who knoweth not the Upper House of Parliament consisteth of all the Prelates and Peers, at the Nether House of near 500 Knights and Burgessees, Elected and sent out of all Parts of the Kingdom? And are all these *Puritans*? Do my Plots receive better Entertainment amongst them than with the Council of State? And doth this reproachful Comparison honour or dishonour those Able and Wise Men who are here presented to be well affected to their Cause? but their end was no Man's Honour: It was to break the Parliament, by setting Faction amongst the Members of both Houses, as well as with the Head; and their fraud is most evident in misrepresenting the Case.

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For where they say, that almost every one of the Council both liked and allowed of the Propositions of the Catholick King, and found therein no Cause to dissolve the Treaty. They conceal that the Proposition was then made for the Palatinate alone, supposing the Treaty of the Marriage should proceed: And in that Case it might seem reasonable to very Wise Men, that the other Treaty should not be broken off. But in Parliament, where both Parties come in Question together, not one of those Able and Wise Men (for they were all Members of the one House or the other) dissented from the Council of dissolving them both. The Altars of Provocation may then be objected to Worshippers of Saints, or to them that appeal to their Idol at *Rome*, and not to Us, who acknowledge no Sovereign upon Earth but our King, to whom both Council of State and Parliament yield Obedience in all things. How then may it be said, that the Parliament is now above the King?



Or how can they hope that such shameless and impious Suggestions can make a prudent and good King jealous, and doubtful of a most obsequious and dutiful People? Especially at this time, when it may truly be said, That the Spirit of Wisdom in the Heart of the King, hath wrought the Spirit of Unity in the Hearts of his Subjects, which made the Success more happy than former Parliaments have had. And this indeed is the matter which the Devil and they storm at.

For who can doubt that they and their Faction cannot endure without much trouble of Mind (as they confess) to see the weightiest Affairs, and of greatest Moment, to be now referred to the Censure of the Parliament, when their fair Promises and Pretences can no longer prevail? Yet let them tell us, what greater and more Honourable Senate they have seen in *Spain* or elsewhere.

Besides, Do not the very Writs for the Summons of Parliament, express, That is for the great and weighty Affairs

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fairs of the Kingdom? And have not our greatest and wisest Kings heretofore referred Treaties of Leagues, of Marriages, of Peace, and War, and of Religion it self, to the Consultations of their Parliaments? Those then that take upon them to undervalue this High Court, do but expose their own Judgments to Censure and Contempt; not knowing, that Parliaments, as they are the Honour and Support, so they are the Hand-maids and Creatures of our Kings, inspired, formed and governed by their Power. And if *Charles* the Fifth of *France*, by his Parliament of *Paris*, recovered a great part of that Kingdom from this Crown; and if succeeding Kings there, by the Assistance of that Court, redeemed the Church from the Tyranny of the Pope, We have no cause to doubt, that our King, by the Faithful Advice, Assistance, and Service of his Parliament, shall be able both to recover the Palatinate, which they here make so difficult, and to protect our Neighbour-  
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bours and Allies; and either to settle such a Peace as we really desire, or to execute such Vengeance as God's Justice, and their Sins shall, for their Ambition assuredly draw upon them.

But they proceed, and tell the King, that it is said, I have propounded many things to the Parliament in his Name, without his Advice or Consent, nay, contrary to his Will. And is not this to abuse the Ears and patience of a Prince, to tell him many things are said, and yet neither specifie the Matters nor the Men? Or is not this to dally with my Name by Hear-says, when with a harsh and incoherent Transition, they suddenly fall upon the Prince, who is the next true Mark their Malice shooteth at: And when Malice it self cannot but acknowledge his Ingenuity and great Gifts; and that in all things he sheweth himself an obedient and good Son; yet these Attributes they will needs qualifie with a Nevertheless, which cannot charge me as with a Fault, that I am confident in his Fa-

Or that I therefore despise all men, to which Vice of all other my Nature is least inclin'd; but indeed taxeth the Prince at least with participation of my ill Intentions, by suffering me to make those persons subject to my Will, which are most conformable to His Whom they mean I know not; but pray God, that those Men they thus recommend to his Highness's nearest Trust, prove not more dangerous to his Person, than I have hitherto been refractory to his Will.

But having shot this Bolt, they come back again to me as to their Stalking-horse, to chuse a new Mark. And first, for a preparative to the Prince's Attention, they wish that my Actions were directed to his Good. Then to give at least some Varnish to their Work, they tell him, that good men believe (meaning such as believe them with an implicate Faith) that I (who have imbroiled the Match with Spain) will not be less able to break any other his Highness should affect: in which Speech, if a Man will dive to

the Bottom of their Malice, he must descend into Hell. But for the Match with *Spain*, can any man believe, that his Majesty sent his Son; that he went in Person; that he both trusted *Spain* so far, and did that Kingdom so much Honour, and yielded to such Conditions; or that I underwent that Hazard and Charge, and pressed their King; importuned his Favorite and Council, and subjected my self to so many Indignities; or that so great a Fleet even into their own Ports, with Minds to interrupt or embroil, or not rather to remove all Impediments, to hasten the Marriage, and to bring home the *Infanta* which was promised with as great Assurance as words could express? But they will say, that this Earnestness and Haste, was it that disturbed all the Business; and so I think it did: And I confess withal, that it was our End and Endeavour to put them from their Shifts; and to bring to an Issue, that Treaty, under the Delay whereof we had suffered so much. And I profess further, that

the Honour and good Success of this Intention, do properly belong to his Majesty and the Prince, by whose Wisdom and Resolution a desperate Remedy was so well applied to a desperate Disease.

But they say, That howsoever my Endeavours might at first concur to hasten the Match; yet after the Princess Palatine had written Letters unto me, and had sent her Secretary to confirm a Marriage betwixt her Son and my Daughter: Then I instantly caused the Prince to revoke his Procuration, and turn'd all upside down. And here is revealed another mystical Use they would make of my Name to divide Father and Daughter, Brother and Sister, Master and Servant, and to break all the Bonds of Nature and Affection, by Jealousie of State. And can the Devil attempt more? But what Proof? Nay, what Appearance do they shaddow this withal? Forsooth, by telling, that they know in *Spain*, that the same day those Letters were delivered, the Revoca-

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tion was pronounced; but how knew they that? Or do they not know in *Spain*, that the Prince himself opened and read all the Letters, and heard all Addresses. And by what Inspection could they know more than the Prince? Except those innocent Letters were like indented Pictures, which shew to one's view a fair, and to another's a foul Face? Is it not strange, that Malice it self is not satiated with the Distresses of those Worthy Princes, except it bereave them not only of necessary Support and Relief; but also of that Love and good Opinion whereby they must subsist? And to what other End tendeth that careful Admonition to the King, to take heed both to himself and to the Prince? My Precipitation, my Ambition and my Popularity, are but the Fringe and Shadow: The supplanting of these Princes the Diversion of the Affection of their Father and Brother, the bereaving them of all Assistance and Comfort; and finally, the Disturbing of all our Affairs, are the true



Ends of these Fore-warnings, and false pretended Fears: For my Ambition and Popularity, how appeared it in Parliament? by casting (say they) all Odious Matters upon the King; and arrogating the thanks of all things acceptable to my self, and by the Title given me to be Redeemer of my Country: Such Generalities are ever the Subterfuges of deceit, But let them instance in any Particular, either of odious Matter there propounded, and cast upon the King, or of plausible, whereof all the Honour was not his; and that with greater Demonstration of Reverence and Thankfulness, than in former Parliaments hath been seen. For the Title, it is true, that by our Journey into *Spain*, we were brought out of Darkness into Light; and the Discovery of former Inconveniencies, and future Dangers of the Treaties was applauded in Parliament, as no less than a Work of Redemption to the State. But therein, all that I assumed, or was attributed to me, was the Happiness to have been under



der the Prince's Government, whose Wisdom in discovering the Insincerity of their Pretences, in refusing those things which were utterly inconvenient, in yielding to such, as being prejudicial, were corrigible afterwards; and in qualifying the rest to a tolerable Construction, was the only means of redeeming our Safety, and settling our Affairs. And for his Majesty, who hath heard of his Name that can doubt that his deep Understanding and Experience was the true Fountain from which all our Directions did proceed?

Then how can I be charged with Envy against the great Good of Christendom, and especially of *England* and *Spain*? When all the World shall understand, that the King and Prince under God, and by his Blessings, are the chief means to rescue all Christendom, especially *England*, from the Usurpation of that pretended Empire, which they call the Good; but is truly the Bondage and Misery of both-----  
Having thus served their Turns with  
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my Name against his Majesty, against the Prince, against the Parliament, against his Royal Daughter, and her Race; who could think it possible their Malice could strain higher? Yet their Master-piece is behind. And whereas their former Suggestions were grounded upon, they say here, They know in *Spain*, and such Shaddows of Testimonies at large: For this they now hatch, because it is monstrous in it self; and hath nothing in Being, possible to ground upon. They lay a strange Foundation upon a bare Pretence, that many speak ominously fearing the worst; but withal, knowing that his Majesties Wisdom cannot be wrought upon by Popular Apprehensions, they say farther, that he that told it, did the Office of a good Man, both to God, his Majesty and the Prince. Yet surely, this was not the good Man of *David*, that imagineth no Evil, and telleth no Untruth; but such an one as *St. John* calleth the Accuser of the Brethren, or as *Doeg* the *Edomite*, that told the King, how *Da-*

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and his Son-in-law, and the Priest of *Abimelech* had conspired against him: For what saith this good man? Forsooth, that the Puritans (if they do desire a King, which willingly they do not) do not at all desire the Most Illustrious Prince, but the Prince Palatine, whose Scout *Mansfield* is, whatsoever he pretends: And lest any man might imagine, that they mean Factionous Puritans, which are now no considerable Number amongst us: In the next Clause, for Explanation, they mention the Fury of the Parliament; and soon after, the Reproach of the whole *English* Nation. But why then do they not call us by the old name of Protestants? Because that is now a Name of too much allay, and could have bred no distaste in the King; but knowing what he suffered by Puritans elsewhere, to make the whole Nation odious both to King and Prince, they turn us Puritans all at once, though that Faction be more hated and suppressed amongst us, than in all the World besides. And what is then our Ruin?

First,

First, In General, That we are not willing to be subject unto Kings.

Secondly, In Particular, That we desire not the Prince, but the *Palsgrave* to succeed.

For the First, Let them know, that these Kingdoms of Great *Britain*, are beyond Comparison more Antient than the Kingdoms of *Spain*; and yet no Story reputeth, that they ever had or desired, or were capable of any Government but Regal: And the Religion we profess, binds our Consciences more firmly to obey, honour, support and defend our Kings against all their Enemies than Popish Religion can do: And this they will find to be true when they attempt ought against us,

For the Second, I will not be so vain, as to discourse of the Prince, or his Interest in the good Opinion of the People. This only I say for his Religion, they made him a Confessor in *Spain*, as their Faction long since made his Royal Father in his Honor a Martyr: And for his Carriage, he  
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converseth with us daily, and knoweth us much better than any stranger can; and therefore we trust his own Experience and good Opinion of us, against all they can suggest. And for the Prince Palatine, we love his Nation, from which we were extracted; and we love his Religion, which was the Ground of the Alliance with him; and we much esteem that Noble Princess by whom he participateth, with that Duty and Affection which from the King, as the Root, in due proportion disperseth it self in all the Branches; yet so, as whensoever they shall divide from the Head, or the Body, they cannot but know, that their Moisture will dry up. And for Count *Mansfield*, it is worth the observing, how they labour to dissemble, and divert that Fear of him which they cannot have for us, but indeed for themselves; least he, who hath already so troubled them in *Germany*, should disturb them elsewhere. Now whereas they conjure King and Prince, to foresee the Vengeance of  
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God, provoked by my Practises, and the Fury of Parliament, for Testimonies and Libels against the Honour of *Spain*: How much more Cause have they both, and we all, to consider and praise God's Miraculous Goodness, in preserving their Persons, and blessing their Endeavours in so happy a Discovery and Prevention of those Dangers, which the Treaties would have brought upon our Religion and State? And thereby rest assured, that he will still bless where they curse, and establish the Scepters of the Defenders of his Faith, and in powring his Vengeance upon the Beast, and the Enemies of his Truth. And if the Testimonies published against *Spain*, and believed in Parliament, were not true, why do they not convince them and satisfy them, and satisfy the World? And for those bitter and ignominious Libels they mention, why can they not be read, without Ignominy to our Nation, as well as *Pasquin's* in *Rome*, and like Libels in *France*, *Germany*, and other Nations

ons with their Reproach? Especially considering, as the *Spaniards* of all People, are most pursued with Writing of this kind, so the *English* of all other, do punish Libels with most Severity and Rigour.

But that which followeth, is yet more remarkable: It is apparent (say they) that the League is broken, and Histories will witness it: Surely those Histories must be of their Writing; for true histories cannot record any breach on our part. The Treaties are indeed dissolved. First, materially by them, and then formally by us. But are those Treaties any Articles of the League? Or is it in the Power of any Subject (be he never so willful) to break the Leagues of Princes without due Justice demanded and refused? But now the Ambassadors, publick Ministers of State, have made such Declaration: How far that extendeth his Majesty may consider; and whether it be not an Advantage cunningly sought to countenance the first blow? And the rather, because immediately after



after this peremptory Declaration, which may seem a degree to a Denunciation of War, they use all the Oratory to lull his Majesty asleep, and to persuade both him and the Prince, to prefer Peace and Quiet ever before their Kingdoms, which thereby may be lost.

And what Confidence is this? Do they think their Learning sufficient, to teach my Master to understand his own Note, who can much better teach them that *Pacifici beati*, are not passive but Active? And that the Sword maketh Peace, both in Government and in War, by supporting Justice, wherein the happiness of all Society doth consist. But whosoever construeth the Speeches of these men by the litteral sence, cometh short of their meaning: For what are all these specious Adornings of his Majesty and the Prince in the Long Robes of Peace; but a Figurative menacing them with the Consequences of War. And to see what the Love of the one or fear of the other may happily work

work, by Peace, *i. e.* by a quiet submitting the Marriage of the Palatinate and the safety of the Kingdoms and Allies to the Devotion of *Spain*. First, His Majesty may believe his Symbol (as they say) is verified in his Person; and that he is extolled and admired through the World: Or that otherwise he shall enjoy neither Happiness nor Honour.

And Secondly, That the Prince can no other way succeed peaceably into the Hereditary Possession of these Kingdoms, or the Honour of his Father; or shew that he is indeed of his Blood, or beareth him Love (as if all these should be questioned) if he do not entertain the same Peace with those Princes whose Alliances his Majesty hath so well procured and deserved, meaning, by giving them way to work out all their Ends: And this being the sence clouded up in their unjointed Applications; all they gain thereby, is to give these due Acknowledgments to his Majesty and the Prince.

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First,

First, That their Royal Dispositions and Endeavours ever tended to peace.

Secondly, That of themselves they intended no alteration without violent Motions, on the other part: And,

Thirdly, Those which force them, if at the very Entrance into War they want a just Cause; as the Jews called for Vengeance against themselves, so these men truly prophesie, that they shall have their Success. Hitherto I have been brought upon the Stage, to play other mens parts. Now followeth my own Indictment in more particular Terms.

First, Concerning my Carriage of the Negotiation in *Spain*: And,

Secondly, For my Personal Actions and Behaviour.

For the *Spanish* Business, because greater Persons are still involved in their Censure, they make their way (as Poets do in Tragedies) by raising me as a Ghost, to possess King and Prince, and to terrifie all men that oppose my Designs. Surely, I think, they smiled, when they writ this passage:  
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For they cannot think me so predominant, nor so terrible a Creature. But to satisfie the World in those four first Questions which contain the Substance of all the Business in *Spain*; I will briefly as I can, repeat the Proceedings which have been related in Parliament more at large, and justified by Letters and Records; and allowed, not only by the most temperate men they speak of, but by general and unanims Votes, from which no one did dissent.

But First, having the honour to be of my Master's inward Council in these things, I must testifie to the Renown of his Wisdom, and especially of his Goodness; that as in the Marriage of his Daughter, his chief Intention was to settle and corroborate the Party of our Religion where it is most improved; so by the Marriage of his Son, in some powerful House of the other Religion, he sought not only the strengthening and assuring his own Peace and Succession, but the Universal Good of all Christendome: and a

means to qualifie by the Cooperation of those Princes, the Spiritual Usurpations, whereby, in time, some better accord in the Differences of Religion might be made. From these Intentions, and that special Respect and Affection his Majesty ever bore to the most Illustrious House of *Austria*, the former motion for the Marriage of Prince *Henry* (who is with God) did proceed. But that brake (as the World knoweth) by incongruous Propositions on either part. Since then an *Overture* being entertain'd in *France* for Prince *Charles* that succeeded: And Notice thereof being gotten in *Spain*, both the Duke of *Lerma*, and their Ambassador the now Count *Gondomer*, were imploy'd to divert that Match, by negotiating a Second Treatie for a Daughter of that Kingdom: And that with such Protestations for the accommodating of all former differences of Religion and State, and for so great a Portion, and with so Royal Conditions, that his Majesty therupon was perswaded to give Instru-  
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tionsto that purpose, to his Ambassa-  
dor in *Spain*; wherupon they proceeded,  
not only to Treat and to Article, but  
even to the granting of Commissions,  
and powers to contract: And all this  
while, no Stop, no Difficulty was pro-  
posed, which they made not light and  
easie to pass over: Nay, the Ingage-  
ments were so potent, that the Wars  
of *Bohemia* then happening, upon con-  
fidence that their Forces should not  
attempt the Palatinate, his Majesty  
forbore to assist or countenance his  
own Son-in-law: And thereupon en-  
sued the loss of the Battle of *Prague*,  
the disbanding of the Union; and un-  
der colour of restoring, the Conquest  
of that Country, and the disposing of  
the Electorate to another Prince: and  
in the mean time to add Scorn to  
Loss, his Majesty was drawn with  
great Charge, to send Ambassadors to  
*Prague*, to *Vienna*, to *Heidelbergh*, to  
*Bruxels*, to mediate for Truce, for Ces-  
sation of Arms, or for Peace, as best  
suited for their Advantage; whilst by  
cross Letters, or secret Intelligences,

they cooled or kindled their promised Mediation, and kept us still in appetite and hope, by our own Ministers and their assuring us of the Match. At length the Treaty at *Brussels* gave the first Jealousie, that their Intentions were indirect. And thereupon his Majesty sent *Porter* into *Spain*, with a peremptory Direction to return in ten days; and to bring express Answer from the King, whether, according to the promise made by his Ministers, he would cause the Palatinate to be restored: Or if by Mediation, he could not prevail, whether he would joyn in Arms to recover it by force; or at least, give Passage for the King's Forces thither. The Return brought by *Porter*, was cold and unsatisfactory; and withal delayed longer than here was expected: And this moved the Prince more seriously to consider, how by holding us in Treaty, they had gotten full Possession of his Sisters Estates; they had scattered and broken most of our Allies; they would in short time eat out our Neigh-



Neighbours; And every day gained upon us in matter of Religion.

And this wrought in him that Princely and Heroical Resolution, to go in person into *Spain*, either with Honour and Contentment of both Nations to consummate that Marriage which his Heart was so constantly set upon; or else to free both his Father and Himself from being any longer abused with delays. This Counsel his Highness was pleased to communicate with me, and to make me his Servant to break it to the King, which I did accordingly. And His Majesty after long and deep deliberation, was contented to give way, and commanded me to wait upon him in his Journey. So we undertook it with that Adventure, Charge, Danger, and Travel both of Body and Mind, which I need not speak of, and yet with that Courage and Alacrity, and with that Constancy, which the confidence of Love, and the hope of good Success do usually bring forth in young men. And to shew how great this demonstration was of His Majesty and

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the Princes affections and desires to settle a sure interest and correspondency with that Royal House. I know not how to express by any parallel on Earth, I must do it by looking up to a Transcendent in Heaven, whence the Father sent his Son, and his Son gave himself for their love to Mankind.

So at the first, the great Obligation put hereby upon all *Spain*, was acknowledged and magnified, by their Oracle *Conde d' Olivares*; who in thankfulness concluded, it must needs be a Match; and that the two Kings of *Great Britain* and *Spain* must part the world betwixt them: But this was the flourish of a mind which found it self surprized, and was not yet resolved in what mould to cast it self. For the very next day, upon second thoughts, he mixed a specious welcome, with a great deal more strangeness, and with a disavowing of all that was past, & spake of the match, as of a new thing; forgetting even the Laws of Hospitality and Honour, propounded an uncouth Condition to the Prince

Prince of changing his Religion; as if all former agreed Articles by the Advantage of this honour done unto them, had been utterly disannull'd. And when the Prince's brave constancy put them from this hold, then they cast all upon the Popes Dispensation, which must be expected before any thing could be done. But in the meantime the Prince being in their power, what Difficulties? what Jealousies? what Fears were raised up? what Arts of Divines, what Councils, what Persuasions, and what Engines were used to batter a young, but well resolved Heart, were too long to repeat. At length the Dispensation came clogg'd both in matter and manner contrary to agreement, and new Conditions were also stood upon, either to draw the Prince, by accepting them, under their yoke, or by refusing to make him the Author of the breach. Notwithstanding by his care, wisdom, and patience, and also with some resentment and shew of Resolution to depart unsatisfied; their expectation was gone beyond: and thereupon the Match brought

brought again to some tollerable terms, tho' advantageous on their part, yet such, as thereupon the sending away of the *Infanta* with the Prince, & a Blank for the restoring the *Palatinate* were again promised and assured, if these Conditions might be ratified in *England*, which was all they now required. Infomuch that even in *Spain*, it was then believed, and much rejoyced at, that the Match was fully concluded on all parts. But it is to be noted, that this fair shew was made whilst *Mansfield* and *Brownswick* stood entire in the field, for after they were broken, tho' all was done in *England* according to their desires, yet then they found it too late to send the *Infanta* till the *Spring*; they complained that their Rebels in the *Low-Countryes* were served by our men; they required our assistance to reduce them to obedience; and the matter of Religion was meanly insisted on; so that now the Prince could not but understand that he was but juggled with, as himself has declared; and therefore he began to make way for his return, which

which was all the hope left him to make this a good Voyage. And because they still bare him in hand, that they intended that March, he was still contented to pursue the Treaty; so as the restitution of the *Palatinate*, which before had been assumed as a divided Article, might now go hand in hand; and to that effect he left the power of Despatches with the Ambassadors, which was afterwards restrained, and renewed, and finally revoked, as the confident or cold Answers out of *Spain* did require. And this is the substance of that Negotiation.

The other particulars delivered in Parliament, how they said and unsaid, promised and denied, remembered and forgot, and plaid fast and loose at their pleasures, and what indignities they put upon us, I take no more pleasure to repeat, than I did to suffer. It sufficeth that by this which is said, the Questions propounded by the Informers are answered: First, who they were that gave the first cause of distaste. Secondly, whether the Complaints against the King  
of

of Spain be true. Thirdly, whether the King of Spain did desire to give satisfaction to the Prince. And, Fourthly, whether he did faithfully endeavour the Marriage? And if in any of these points any scruple doth remain, for the perfect discovery of their intentions and proceedings, the Letters produced by the Conde D'Olivares, and read in Parliament will justifie my Report; being (as it were) a *Manifest* from that King and his Council, that they never intended the Match, nor held it lawful or convenient for that State, and the King therein requiring some other way to be found, to give without the Match contentment to the Prince; whereby I make as little doubt of that Kings own Royall disposition and affection towards the Prince for all personal respects, as I do of the insincerity of his Ministers in all their proceedings.

In the rest of my Indictments, the Interrogatories which followed concern for the most part my Behaviour toward the Prince, whereunto I will not answer by Recrimination, tho' I have a large

ge field, nor by way of Defence ;  
and for these Reasons, First, in Persons  
which they now, & I then did instance,  
the reflexion of our faults upon the ho-  
nour of our Masters maketh the pub-  
lishing as offensive as the Facts. Se-  
condly, by giving Answer unto them  
at Charge but by Reports, I shall  
perform my Duty to the Prince, who  
best knoweth the Truth in these things  
they object ; and if there had been cause  
I should have called me to an account.  
And, Thirdly, my purpose is not (as I  
said) to Apologize further than may  
concern the interest of that Cause which  
through my sides they have laboured  
to wound. For my self, I know well,  
that I shall stand or fall in the opini-  
ons of wise men, neither by the slan-  
ders of any, be they never so great,  
nor by my verbal Justifications, be they  
ever so confident ; but rather by the  
actions and Carriage of my Life, my  
Birth, Breeding and Fortune , which  
may happily, raise me above base Im-  
putations, and also give hopes of A-  
mendment, if in ought I have done  
amiss.



amiss. As for the *Conde D'Olivar* with  
 when he chargeth me with breach of  
 Faith towards him, I will make him  
 such Answer as may give him just con-  
 tent. And for revealing the Secret of  
 Treaty for *Holland*, I did it not with-  
 out leave from the Prince, nor till it  
 might appear that it was entertain'd  
 on our parts, but for the Discovery of  
 the advantages they sought.

And this is all the Answer I will  
 make to these unworthy Reproaches  
 raked out of the Channel to be cast  
 in my Face, only to Disfigure me  
 and then serve their turns with me in  
 what shape they please: And so ha-  
 ving used me (as I said) for their  
 Stalking-horse, from under my Sha-  
 dow, to shoot at other Games, they  
 tell me they wish me well, and turn  
 me off to Grass: yet in requital of their  
 favour, I will give them this Advice  
 before I go: That the best way for  
 them and me to do the Christian world  
 good, which they seem to desire, is to  
 persuade our Masters to moderation  
 and peace, and not to busie our selves  
 with

with malicious aspersions upon the Actions of Princes, or Parliaments or Governments wherein we have no skill. For which fault of theirs, I presume their Commission giveth no warrant. And no' my Master should think it punishment enough for them, thus to dishonour themselves, and justifie mens complaints against their unthankfulness & malice, where they have found so much respect; yet let them take heed, lest some occasion may not fall out, to move their own Masters to question them for this scandalous example, which cannot but reflect upon his own Government and State, as having no precedent in any former time.

*Transcribed from the Original written with Sir Edward Coke (Lord Chief Justice) his own hand.*

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